



**Exhibit A**

GRIEVANT FOX, JAVELL	DIN # 12B1626	HOUSING UNIT B3-29-001
 <b>Corrections and Community Supervision</b>  <b>INMATE GRIEVANCE PROGRAM</b>  SUPERINTENDENT WILLIAM A. LEE	GRIEVANCE NO. 26198-15	DATE FILED 1/26/15
	FACILITY Eastern Correctional Facility	POLICY DESIGNATION I
	TITLE OF GRIEVANCE Issues With Advances	CLASS CODE 36
	SUPERINTENDENT'S SIGNATURE 	DATE 4/9/15

Grievant complains that his requests for advanced copies were not being processed in a timely fashion.

The investigation indicates that the Facility Steward, Ms. L., made every effort to address the grievant's requests and to clarify any confusion. All requests for legal photocopies are reviewed and processed in accordance with DIR # 2788. DSP C. sent the grievant a memorandum dated 3/25/15 regarding his most recent request. To avoid any unnecessary delays the grievant should provide supporting documentation with his initial request(s).

\*\*\*Grievance is denied.

WL: RW/ tm

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign and date below and return this copy your Inmate Grievance Clerk to the IGRC Office. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C..

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

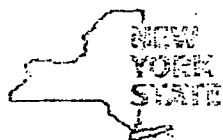
\_\_\_\_\_  
 GRIEVANT'S SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 GRIEVANCE CLERK'S SIGNATURE

\_\_\_\_\_  
 DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g).



Corrections and  
Community Supervision

ANDREW M. CUOMO  
Governor

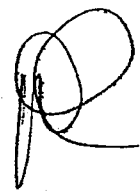
ANTHONY J. ANNUCCI  
Acting Commissioner

TO: J. Fox 12B1626 22-4

FROM: K. Colao, Deputy Superintendent for Program Services

DATE: March 25, 2015

SUBJECT: Legal Advances

A handwritten signature, likely of K. Colao, consisting of a large, stylized 'R' with a loop at the top.

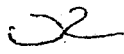
Be advised that I am returning your legal advance request. I will need the court document reflecting an active case with a document deadline so I can review appropriately.

Please advise what documents are in need of copying.

KC:tat

Cc: W. Lee, Supt.  
X. Mauro, IGP Supv.  
Guidance, File  
File

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN NY CORRECTIONAL FACILITY

TO: T. Mauro, IGRC  
FROM: Diane Labbate, Steward   
SUBJ: Pending Grievance for J Fox 12B1626 #26198-15  
DATE: February 2, 2015

This is to clarify any previous correspondence with inmate Fox, 12B1626, when stating any document or mailing was returned to him.

All correspondence with inmates are received and returned through the correspondence unit. The correspondence unit sorts mail for inmates by housing units. And my understanding is that each day, officers pick up the mail for the housing unit in which they are working, and distribute it to the inmates who lock there.

When I state that an item was returned to inmate Fox, I am not testifying that I put the documents in his hand. I am stating that items being returned to inmates are sent to the Correspondence Unit and the above process is expected to occur. In no way am I attempting to "falsify a document with the intent to defraud". Nor do I have any desire delay inmate Fox's or any other inmate's mail. Quite the opposite, my staff and I do all that we can to process all disbursements as quickly as possible.

Additionally, Inmate Fox states that his disbursement was submitted on Saturday, December 19<sup>th</sup> 2014 and mailed Sunday January 4, 2015. It couldn't have been mailed on a Sunday. Perhaps he meant Monday January 5<sup>th</sup>, 2015. If this is the case, then it took exactly 10 business days from the date submitted to be mailed out. Directive 2798 states that all disbursements, other than legal copies, should be processed within 10 business days of receipt in the Business Office. Since the entire process appears to have taken ten business days, then any disbursement related to it was obviously processed timely.

We do normally request a disbursement form to accompany any advance form. This is to ensure there is no processing delay if an inmate account is not insufficient. If sufficient are available we must have the disbursement form to process the transaction. It also protect the inmate as there is a source are signature on a disbursement that provide verification that the inmate filing out the disbursement is the inmate submitting the disbursement. Advance forms do not have this safeguard. Both reasons are for the benefit of the inmate. At this time it is not required by directive to submit both, thus if Inmate Fox does not wish to submit disbursement forms with his advance forms he need not. As long as his account is indeed insufficient, and he meets any other Directive requirement for an advance to be approved, we will process his advance request without a disbursement.



12:31:46 Thursday, January 15, 2015

KICSM23

ICAS SYSTEM 10 - EASTERN

01/15/15

289-TRANSACTIONS - CURRENT AND PREVIOUS MONTH

12:31:29

FOR DIN NUMBER - 12B1626 FOX JAVELL

FACILITY	TRANS DATE	TRANSACTION DESCRIPTION	COMMENT / TRAN NUMBER	TRANSACTION AMOUNT
EASTERN	12/04/14	PAYROLL RECEIPT	042626	1.80
EASTERN	12/05/14	STRT ADV-POSTAGE ADV		2.08
EASTERN	12/11/14	PAYROLL RECEIPT	042626	2.25
EASTERN	12/18/14	PAYROLL RECEIPT	042626	2.25
EASTERN	12/24/14	PAYROLL RECEIPT	042626	2.25
EASTERN	12/24/14	DISB ADV-LEGL COPIES	PAYROLL	8.90
EASTERN	12/29/14	STRT ENC-RESTITUT	STATE PANTS (4)	44.32
EASTERN	12/31/14	PAYROLL RECEIPT	066626	.00
----- END OF LAST MONTHS TRANSACTIONS -----				
EASTERN	01/08/15	PAYROLL RECEIPT	066626	.00

&lt;&lt; THIS IS THE END &gt;&gt;

MENU - &lt;PF1&gt; 208 SCRN - &lt;PF5&gt; UP - &lt;PF7&gt; DWN - &lt;PF8&gt; LFT - &lt;PF10&gt; RHT - &lt;PF11&gt;

## EASTERN CORRECTIONAL FACILITY

IGRC OFFICE ACKNOWLEDGEMENT RECEIPTTO: Fox DIN: 12B1629 CELL: 16-4This notice is to inform you that your grievance(s) dated 1/25, 1/23, 11/18  
was/were filed on 1/26Log # ECF- ~~142~~ 26198-15CODE: 36TITLE: ISSUES with Advances (3)

**Your log number, DIN, and cell location must be included on any inquiries made concerning your grievance.**

Upon completion of an investigation and if not resolved you will be scheduled for an IGRC hearing within 16 calendar days of the filing date. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC can hold a hearing in absentia. If 3 scheduled hearings are missed due to legitimate reasons the IGRC can hold the hearing in absentia. When a grievant is kept locked over thirty (30) days a hearing can be held in absentia.

If your grievance is numbered as part of a consolidate issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Grievances coded 25.1, 25.2 or 49 are passed directly through to the Superintendent for action. An investigation will be conducted and the Superintendent should respond within 25 days of the filing date. No IGRC hearing will be held.

If a response is considered untimely then the IGRC Office may contact you to ask for an extension or you can request in writing that it be appealed to the next level.

Complaint re: processing of grievances  
is consolidated under the log # above.

IGRC Clerk cl IGP Supervisor \_\_\_\_\_ IGRC Sergeant \_\_\_\_\_

## INMATE GRIEVANCE INVESTIGATIVE LOG FORM

GRIEVANCE NO. <u>26198-15</u>	DATE FILED:
FACILITY: <u>ECF</u>	DUE DATE:
GRIEVANT'S NAME: <u>FOX</u>	DIN: <u>12B 1626</u>
SIGNATURE OF REPORT WRITER	DATE:

## NAME OF PERSON (S)/TITLE AND/OR DEPARTMENT INVOLVED

1. DSP Colao 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_

## INVESTIGATION REPORTS STATEMENT

(PLEASE SPECIFY NAME OF PERSON(S) WHOM YOU HAVE RECEIVED THE VARIOUS FACTS FROM)

Letter was sent out 3/20/15 regarding violation  
to show he has no return case with a deadline  
along with items to be copied for reference to noted  
case with a deadline by the Court

## RELEVANT DOCCS/FACILITY POLICY -CORC/COMMISSIONER DECISION

## ADDITIONAL PERTINENT STATEMENTS BY GRIEVANT

Vell FOX 12B1626 S. 12-18

ember 25, 2014

36  
 FM - Issued  
 with Advances

Grievance No.

## EASTERN CORRECTIONAL FACILITY

On December 24 I received A letter from Diane Cabbate, Steward, dated December 23, 2014, Making me Aware that she couldn't send out my legal mail with Advanced Disbursement because I'm over my Allowed Advance which is 20.00\$ per Directive 2788, so she claim, However I sent off that legal on December 17, and December 18, 1. to the Governor 2. to Prison legal services 3. to commission of correction, 4 to Appellate Division, Fourth Department, 5, to peter J DiGiorgio Attorney At Law, 6: District Attorney, and 4 miscellaneous mail to friend And families to make them Aware of the Abuse thats been inflicted on me at this facility, and now one week later she is informing me that it cant be mailed out, and on top of that my legal mail have not been mailed out back to me yet, they still got it, where they do that it (I'm furious) this is they second deadline that I've missed because of this lazy, untrained, Inconsiderate mailroom thats prejudice toward indigents. I'm being denied access to the courts, and I believe that the mailroom is conspiring with officials to stop or stagnate me from getting mail out that pertains to this facilitys officials violating my Rights.

James J. Fox  
 Action Requested

In the future, there should be no reason <sup>I</sup> an indigent inmate should have to send out A Disbursement, if there is NO MONEY TO DISBURSE, THIS IS COMMON SENSE, just like A inmate that has money does not send out an Advance Disbursement because its no need for an advance. the mail room need to process my Advance form as soon as they get it, And if its a reason they cant send it out, don't just inform me, and hold my mail back, 0007 killing my mail, this makes me

Javell Fox 12B1626 South Hall 16-4  
11/18/15

Consolidate

Grievance No  
EASTERN NY CORRECTIONAL FACILITY

I GP supervisor is not processing my Grievances properly, my Grievance against the mail room (pertaining to them not sending out my mail to High Administration and conspiring with High ranking officials to stop me from contacting the proper channels to remedy the abuse. I'm receiving at this prison. pertaining to my first amendment rights (religion) is missing and I never received a notification that my appeal was sent to the CORC which is I GP supervisors duty, these "blocks" are denying me the ability to exhaust my rights and in turn is denying my right to the court. and conspiring with officials and is in violation of directive 4040 official misconduct, appeal to CORC plus all 40 exhibits attached  
Javell Fox  
to it.

action requested

that my Grievance against the mailroom is produce and filed with proof furnished to me, and that I receive notice of my appeal being sent to CORC. if not New York STATE Police need to be contacted and I GP supervisor need to be arrested for conspiracy and official misconduct.

## INMATE GRIEVANCE INVESTIGATIVE LOG FORM

GRIEVANCE NO.	DATE FILED:
FACILITY: <u>ECF</u>	DUE DATE:
GRIEVANT'S NAME: <u>FOR</u>	DIN: <u>12-B1626</u>
SIGNATURE OF REPORT WRITER	DATE: <u>1/20/15</u>

## NAME OF PERSON (S)/TITLE AND/OR DEPARTMENT INVOLVED

1. J. Cassidy - <sup>KBSI</sup> Mail Room 2. \_\_\_\_\_
3. \_\_\_\_\_ 4. \_\_\_\_\_

## INVESTIGATION REPORTS STATEMENT

(PLEASE SPECIFY NAME OF PERSON(S) WHOM YOU HAVE RECEIVED THE VARIOUS FACTS FROM)

① Allowed Advance was over \$2000

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## RELEVANT DOCCS/FACILITY POLICY –CORC/COMMISSIONER DECISION

## ADDITIONAL PERTINENT STATEMENTS BY GRIEVANT

## INMATE GRIEVANCE INVESTIGATIVE LOG FORM

GRIEVANCE NO. 26198-15	DATE FILED:
FACILITY: ELF	DUE DATE:
GRIEVANT'S NAME: FOX	DIN: 12B1626
SIGNATURE OF REPORT WRITER T. MAURO, IBPS	DATE: 1/22/15

## NAME OF PERSON (S)/TITLE AND/OR DEPARTMENT INVOLVED

1. \_\_\_\_\_ 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_

## INVESTIGATION REPORTS STATEMENT

(PLEASE SPECIFY NAME OF PERSON(S) WHOM YOU HAVE RECEIVED THE VARIOUS FACTS FROM)

Contact with the business office indicates they have made every effort to respond to the grievant and address his issues. I identified the grievant's complaints as a resolvable issue and have made every effort to have his issues investigated and addressed.

## RELEVANT DOCCS/FACILITY POLICY -CORC/COMMISSIONER DECISION

## ADDITIONAL PERTINENT STATEMENTS BY GRIEVANT

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN NY CORRECTIONAL FACILITY

TO: Fox, Javell 12B1626 SH12-18  
FROM: Diane Labbate, Steward  
SUBJ: Legal Postage Advances  
DATE: 12/23/14

Please be advised that as per Directive 2798, inmate accounts processes all disbursements other than legal copies within 10 working days. No one is holding your mail, nor slowing your access to court. We are just following Directives and doing our best to keep up with work flow. It is in our best interest to not to have to handle things twice. That is why I asked of you in my previous response to include the information required in Directive 2788 for any legal mail advance requests that you submit while your advance balance exceeds \$20. This will expedite processing of your advance forms. I have also attached a page from Directive 2788 pertaining to legal mail advances for your records. There are currently only 3 letters of yours pending processing by inmate accounts. They are to Delores Denman, Attorney Peter Digiorio, and Scott O McNamara. I am returning them to you as your account is insufficient and no documentation, as required by Directive 2798, accompanies your advance forms. Any other mailings received have been returned through correspondence. Please realize that these advance request are not being denied, they are just incomplete. I simply need some kind of justification that satisfies the conditions of Directive 2798 and we will process them expeditiously.

Please address any further questions you have regarding your mail to the Correspondence Unit. Questions regarding disbursements, advance requests, or account questions may be addressed to inmate accounts or myself. I thank you for your cooperation and expect there should be no further issues. If you have any questions, please feel free to write back.

CC: file



STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN NY CORRECTIONAL FACILITY

**TO:** Fox, Javell 12B1626  
**FROM:** Diane Labbate, Steward  
**SUBJ:** Legal Postage Advances  
**DATE:** 12/23/14

As per Directive 2788, justification is required to approve the attached postage advance forms. Your requested advance and balance of unpaid previous advances for legal mail exceed \$20.00. Exceeding the \$20 limit shall only be approved if you can show by court rules, a statute of limitations, or other legal deadline applicable to your individual circumstance that the legal mail must be sent prior to receipt of the next week's free postage allowance. Until your legal mail advances fall below \$20, please continue to provide this documentation for all future requests in order to expedite the approval process.

CC: file

26198-15

JAVELL FOX 12B1626 WW-22-04

February 24, 2015

Consolidate

Grievance No.

## EASTERN NY CORRECTIONAL FACILITY

EMPLOYEE MANUEL § 2 CONDUCT AND ACTIVITIES  
OF EMPLOYEES 2.2 Lawful Comportment

I wrote Dep of programs and sent him a disbursement and advance disbursement. I made him aware that I have been denied Advanced copies and because of it I ~~missed~~ <sup>have</sup> missed Two civil deadlines. I wrote the Dep of programs nearly 3 weeks ago making him aware also that I need copies for A legal issue that have a deadline pursuant to 1000.13 NYCRR. the deadline was the 18<sup>th</sup> of ~~March~~ <sup>February</sup> and would have had to be in the court by that day. Dep of Program told me on the 23<sup>rd</sup> of February that I have to send them my deadline or write it By Hand, this is in violation of Directive 2788. Dep of programs and the Civilian that is in charge of processing Disbursements is

JAV

Jaquell Z

## Action Requested

TO RECEIVE unlimited copies upon request as Directive 2788 states in order to effectively have access to the court, in order to exercise my 1st Amendment right under the United States Constitution,

:03:26 Tuesday, March 17, 2015

KICSM23

ICAS SYSTEM 10 - EASTERN

03/17/15

289-TRANSACTIONS - CURRENT AND PREVIOUS MONTH

10:03:21

FOR DIN NUMBER - 12B1626 FOX JAVELL

FACILITY	TRANS DATE	TRANSACTION DESCRIPTION	COMMENT / TRAN NUMBER	TRANSACTION AMOUNT
EASTERN	02/05/15	PAYROLL RECEIPT	066626	.00
EASTERN	02/12/15	PAYROLL RECEIPT	066626	.00
EASTERN	02/19/15	STRT ADV-POSTAGE ADV	LEGAL MAIL	1.61
EASTERN	02/19/15	PAYROLL RECEIPT	066626	.00
EASTERN	02/26/15	PAYROLL RECEIPT	066626	.00
EASTERN	02/27/15	STRT ADV-POSTAGE ADV	DEADLINE 3/2/15	1.82
----- END OF LAST MONTHS TRANSACTIONS -----				
EASTERN	03/05/15	PAYROLL RECEIPT	066626	.00
EASTERN	03/12/15	STRT ADV-POSTAGE ADV	LEGAL DEADLINE	2.50
EASTERN	03/12/15	PAYROLL RECEIPT	066626	.00

&lt;&lt; THIS IS THE END &gt;&gt;

MENU - &lt;PF1&gt; 208 SCRIN - &lt;PF5&gt; UP - &lt;PF7&gt; DWN - &lt;PF8&gt; LFT - &lt;PF10&gt; RHT - &lt;PF11&gt;

ECF# 2698-15 NAME FOX DIN# 1231626 LOC area 20-29Form 2131 (REVERSE) HEARING DATE 2/4/15

Response of IGRC: An investigation was conducted and showed at no time did business office hold or did not process grievant mail. Correspondence and business office followed Dir 2788 when processing advances. Grievant should also beware when he passes \$20 limit, so it can be submitted with required justification/documentation for it to be processed but at no time was it denied. Per Dir 4040 There will be no retaliation towards grievant for filing this grievance in good faith.

Date Returned to Inmate: 2/4/15IGRC MEMBERS Sgt LefordChairperson [Signature]

via facility mail

[Signature]  
Klause

A.B.G.

Return within 7 calendar days and check appropriate.

☐

I disagree with IGRC's response and wish to appeal to the Superintendent

☐

I agree with the IGRC's response and wish to refer to Superintendent

☐

I have reviewed deadlocked responses. Pass-Thru to Superintendent.

☐

I wish to apply to the IGP Supervisor for review of dismissal

Signed \_\_\_\_\_

Grievant

Date \_\_\_\_\_

Grievance Clerk's Receipt \_\_\_\_\_

Date \_\_\_\_\_

To be completed by Grievance Clerk

Grievance Appeal to the Superintendent \_\_\_\_\_

Date \_\_\_\_\_

Grievance forward to the Superintendent for action \_\_\_\_\_

Date \_\_\_\_\_

\*\* An exception to the time limit may be requested under Directive #4040, Section 701.6(g)

ECF# 26198-15 NAME FOX DIN# 12 B1626 LOC www 272 29Form 2131 (REVERSE) HEARING DATE 2/4/15

Response of IGRC: An investigation was conducted and  
showed at no time did business office hold or did  
not process grievant mail. Correspondence and business office  
followed Dir 2788 when processing advances. Grievant  
should also beware when he passes \$20 limit, so it can be  
submitted with required justification/documentation for it to be  
processed but at no time was it denied. Per Dir 4040 There will be  
no retaliation towards grievant for filing this grievance in  
good faith.

Date Returned to Inmate: 2/4/15 IGRC MEMBERS Sgt Laitford  
[Signature]  
 Chairperson [Signature] [Signature]  
[Signature]

Return within 7 calendar days and check appropriate.

☒

I disagree with IGRC's response and wish to appeal to the Superintendent

☐

I agree with the IGRC's response and wish to refer to Superintendent

☐

I have reviewed deadlocked responses. Pass-Thru to Superintendent.

☐

I wish to apply to the IGP Supervisor for review of dismissal

Signed [Signature]  
Grievant2-5-15  
Date

Grievance Clerk's Receipt

Date

To be completed by Grievance Clerk

Grievance Appeal to the Superintendent \_\_\_\_\_  
DateGrievance forward to the Superintendent for action \_\_\_\_\_  
Date

\*\* An exception to the time limit may be requested under Directive #4040, Section 701.6(g)

FORM 2131E (9/12)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

INMATE GRIEVANCE COMPLAINT

Grievance No.

26198-15

EASTERN

CORRECTIONAL FACILITY

Date:

7/15/15

Name:

FOX

Dept. No.:

12B1626

Housing Unit:

Program:

AM

PM

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)\*

Description of Problem: (Please make as brief as possible)

(SEE ATTACHED)

Grievant

Signature:

Grievance Clerk:

Date:

Advisor Requested

☐ YES

☐ NO

Who:

Action requested by inmate:

The Grievance has been formally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant

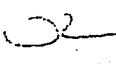
Signature:

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

\* An exception to the time limit may be requested under Dir. 00184040, section 701.6(a).

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN NY CORRECTIONAL FACILITY

TO: T. Mauro, IGRC  
FROM: Diane Labbate, Steward   
SUBJ: Pending Grievance for J Fox 12B1626  
DATE: January 20, 2015

Attached please find the letters I have sent to Inmate Fox addressing his postage advance requests. As per Directive 2788, and advance request for legal mail for an inmate who has an unpaid balance of over \$20 must provide justification as to why this mailing cannot wait until receipt of next weeks free legal postage. His advance was not denied. It simply was submitted without the required justification/documentation for it to be processed in compliance with the Directive. It was returned for that documentation.

In regard to requiring disbursement forms to accompany advance forms, this is indeed our policy. Disbursement forms are needed for two reasons.

- 1- The disbursement form is attempted to be processed against the account first. If funds are available, it is processed and the advance form not used. In such an instance, without a disbursement form, this transaction could not be processed if all we have received is an advance form. But, if the account is insufficient, then the advance form is processed.
- 2- The disbursement form has a source area signature in which an employee verifies that the disbursement was filled out by the inmate, preventing forgery. Advance forms do not have this safeguard.

CC: file



Javel Fox 12811676 southhall 16-4

January 23, 2015

Consolidate

26198-15

Grievance No.

## EASTERN N.Y CORRECTIONAL FACILITY

I am aware of the letters that was sent to me from Diane Labatte Steward and inmate records coordinator. I am not disputing Directive 2788, However I am disputing the fact that my paper work was never returned to me and in that case by steward stating it was, she is falsifying documents with the intent to defraud. (Ex A) which is proof of mailing legal mail to the Appellate Division; District Attorney; and Attorney At Law Peter J DiGiorgio, And these legal mails was sent, to be mailed, with disbursement, on December 19<sup>th</sup> 2014, and was held and mailed January 4, 2015, And I MISSED A deadline that would of allowed me to be released from prison around may now i'll have to wait a extra month or two to be released from prison because the hearing date is pushed up (ex b) the advanced form could be processed without a disbursement, this the only jail that processes a disbursement and Advance. if I

26148-15

An Advance disbursement, no one is gonna Forge An Advance Disbursement, that will be senseless, the only reason An Advanced Disbursement is used is for legal copy's and legal Mail, is someone really gonna commit forgery so someone else could get legal copy's or legal mail (lets be serious) The Disbursement and Advance process together for A indigent inmate like me is a unnecessary process that stagnates my legal correspondance to the court.

I Just Flipped the page, I never received the letter from Diane Labatte that's 2 paragraphs. she is further falsifying documents and Attempting to Derraud. the only letter I received back from correspondance was 3 letter 1) TO Rene Garcia, 2) TO Javell Fox JA) 3) Talibra Harrison, I received these on on the 26<sup>th</sup> of January (exc) on december 25 I sent out a letter requesting my letters (exc) still to PAte. I never received manilla envelopes back that I sent to 1) Governor 2) The Commissioner 3) Prison legal services, I received Disbursements for them that stated on disbursement nothing ATTACHED (exc) and mail from inmates to Commissioner and Governor is free so it should

26198-15

Jaquell L.  
Action Requested

It is clear that Diane Labatte intends to DEFRAUD inspecting Government. The Steward is clearly committing perjury and falsifying documents. (PLEASE come inspect ALL exhibits. I'll entrust IGRC to make copies of ALL exhibits named in above GRIEVANCE. Diane Labatte and anyone acting in concert with her need to be ARRESTED for OFFICIAL MISCONDUCT, Falsifying Documents AND Conspiracy. She also need to be suspended without pay. Maybe this will teach to handle my legal work with care and not to join in to conspire with High Ranking officials to Denie me access to the court and states man, thats why my mail wasn't returned, and thats why shes lian.

A. Postage – Mail

1. Legal Mail (Ref. Dir. #4421, “Privileged Correspondence”): To ensure that indigent inmates maintain their right of access to the courts, the facility shall approve an IAS 2708 advance request to pay for first class mail postage if the inmate has insufficient funds and if the following conditions are met:

- a. The mail is legal mail (e.g., it is addressed to a Judge, Clerk of Court, Attorney, or authorized legal representative; or is related to a potential or ongoing legal matter);
- b. Any balance of the inmate’s free weekly postage allowance is applied to the legal mail postage costs; and
- c. The requested advance and the balance of unpaid previous advances for legal mail postage do not exceed \$20.

Advances for “special handling” (e.g., certified mail, return receipt, express mail, etc.) will not be approved unless required by a statute or court rule.

Exceeding the \$20 limit shall only be approved if the inmate can show by court rules, a statute of limitations, or other legal deadline applicable to his or her individual circumstance that the legal mail must be sent prior to receipt of the next week’s free postage allowance. The inmate must provide justification for such advance.

No request for a legal mail advance will be denied by facility staff without prior consultation with Department Counsel regardless of the unpaid previous balance. Any question whether a particular item qualifies as “legal mail,” or whether an advance is allowable should be directed to Counsel.

2. Personal Postage (ref. Directive #4422, “Offender Correspondence Program”): Funds may be advanced for postage for one domestic first class one-ounce letter per month under the following circumstances:
  - a. The inmate has been confined to SHU for discipline or administrative segregation for 30 days or more, and has insufficient funds; or
  - b. The inmate has been in keeplock status for 30 days or more, has lost telephone privileges, and has insufficient funds; or
  - c. The inmate has lost telephone privileges, has a zero balance or insufficient funds, and has not refused to accept available program assignments.
3. Postage for Disposition of Property: Funds may be advanced for postage to send disallowed property home or return it to a vendor at reception facilities, or postage to send contraband or disallowed items home when received at a new facility.

- B. Medical Records: In accordance with Section 18 of Public Health Law, HIPAA privacy regulations, and DOCCS Health Services Policy 4.10, an inmate may request copies of his or her medical records. Charges are based on a flat fee of \$.25 per page. If the inmate does not have sufficient funds to pay for the requested copies, a completed IAS 2708 advance request must be presented to the health unit.

- C. Temporary Release: Funds may be advanced for specified temporary release program activities if sufficient funds are not available in the inmate’s account. (See the Temporary Release Manual of Rules & Regulations.)

- D. Adjustment Advances: Although DOCCS policy is not to “advance” funds to an inmate for an activity within the inmate’s control other than those listed above, circumstances beyond the control of the inmate or errors at the facility may necessitate an advance when the inmate does not have sufficient funds. The advance to the inmate’s account will be made immediately upon discovery of the error or outlay of funds in the minimum amount necessary. Examples are:

1. An unpaid returned check from the bank when the inmate has insufficient funds;
2. Commissary overbuys resulting from clerical or computer errors; and

3. Erroneous credits resulting from a clerical or computer error in posting a receipt, refund, or adjustment (Note: when two inmates' accounts are involved, the funds will be immediately disbursed from the incorrect account and deposited into the correct account; a copy of the original receipt should be filed in the daily transaction folder).
- E. Legal Photocopies: Advances for legal photocopies will be authorized for inmates with insufficient funds if the following conditions are met:
1. The specific documents being copied are required by the courts and cannot be replicated longhand; and
  2. The requested advance and the balance of unpaid previous advances for legal photocopies do not exceed \$20.
- Exceeding the \$20 limit shall only be approved if the inmate can show by court rules, statute, or circumstances applicable to his or her individual case why the documents to be copied cannot be replicated longhand.
- No request for a legal photocopy advance will be denied by facility staff without prior consultation with Department Counsel regardless of the unpaid previous balance. Any question as to whether a particular document qualifies for legal photocopies or whether an advance is allowable should be directed to Counsel.
- F. Facility Required Items: Upon admission to the facility, funds may be advanced for specific items purchased in the Commissary that are required for an inmate to have at the facility where he or she is located, i.e., padlocks. These advances are authorized by the Business Office and do not require the inmate's signature.

#### IV. COLLECTION OF ADVANCES AND OBLIGATIONS

- A. Advances and other obligations must be collected and paid via the encumbrance mechanism which is established on an inmate's account. No collection will be initiated, however, in any case where the sentencing court has ordered the deferral of a mandatory surcharge, sex offender registration fee, or DNA data bank fee, pursuant to Criminal Procedure Law section 420.40. An encumbrance creates a permanent record of moneys collected and paid on behalf of an inmate. The source/authorization documents listed above represent authorization to establish an encumbrance. The facility Business Office originating the encumbrance retains the Business Office copy of the documentation in the inmate account files even if the inmate transfers to another facility before the obligation is paid.

The encumbrance mechanism functions automatically through the Inmate Commissary Accounting System (ICAS). However, depending upon the type of obligation, it may be initiated automatically by ICAS or manually started by facility staff. The rates at which moneys are collected and the priority order for collections are also dependent on type, as detailed below.

##### B. Order and Rate of Collection

1. Advances: Advances are collected as first priority before automatic and manual collections. If more than one advance is owed, the oldest will be collected first.  
Advances are collected at a rate of 100% of all receipts (payroll and outside).
2. Automatic ICAS Collections: As inmates qualify, the following types of obligations are collected automatically through ICAS. The automatic ICAS collection takes precedence over manual collections.
  - a. Lag Pay/"Gate Money:" For the first 15 weeks of payroll, 20% of the weekly payroll amount is withheld from all inmates' pay until a full three weeks of pay (15 days) has been withheld. The first time a payroll transaction (340-manual or 341-automated) is processed, the computer automatically reduces the amount of the pay by 20%.

## INMATE GRIEVANCE INVESTIGATIVE LOG FORM

GRIEVANCE NO: 26198-15	DATE FILED:
FACILITY: ECF	DUE DATE:
GRIEVANT'S NAME: FOR	DIN: 12B1626
SIGNATURE OF REPORT WRITER T. M... JRS	DATE: 1/23/15

## NAME OF PERSON (S)/TITLE AND/OR DEPARTMENT INVOLVED

1. \_\_\_\_\_ 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_

## INVESTIGATION REPORTS STATEMENT

(PLEASE SPECIFY NAME OF PERSON(S) WHOM YOU HAVE RECEIVED THE VARIOUS FACTS FROM)

In an effort to resolve the grievant's issue I presented my findings for his complaints regarding his correspondence. The grievant stated he would review the responses and add an updated complaint as a result. I notified the inmate that this was a good faith effort to resolve his complaint informally rather than file it immediately upon receipt. Because the grievant is relocked it is not always feasible to speak to him.

## RELEVANT DOCCS/FACILITY POLICY - CORC/COMMISSIONER DECISION

Grievant will be sent a receipt from CORE when received by the facility confirming it has been received.

## ADDITIONAL PERTINENT STATEMENTS BY GRIEVANT



**Eastern NY Correctional Facility**  
**CASE HISTORY AND RECORDS**

**GRIEVANCE:** #26147-14

**NAME:** Fox, J

**DIN:** 12B1626

**TITLE:** Alleges harassment/retaliation

**CODE:** I-49

**INSTITUTIONAL/DEPARTMENTAL:** ECF

**DATE FILED:** 12/10/14

**IGRC HEARING DATE:** NONE

**SUPERINTENDENT DATE:** 12/24/14

**APPEAL DATE:** 12/26/14

**INVESTIGATION**

**IGRC INVESTIGATION DATE:** \_\_\_\_\_

**FACILITY POLICY #** \_\_\_\_\_

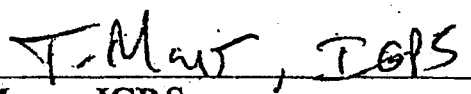
**CAPTAIN DATE:** \_\_\_\_\_

**SUPERVISOR DATE:** \_\_\_\_\_

**EMPLOYEE DATE:** \_\_\_\_\_

**PRIOR CORC:** \_\_\_\_\_

**OTHER:** \_\_\_\_\_

  
\_\_\_\_\_  
Mr. Mauro, IGP Supervisor

**EASTERN NEW YORK CORRECTIONAL FACILITY**  
**CASE HISTORY**

**NAME:** Fox, J  
**ECF:** #26147-14  
**TITLE:** Alleges harassment/retaliation  
**INVESTIGATION:**

**CODE:** I-49  
**REFERENCE:**  
**SUPT.:** W. Lee

**GRIEVANCE:** [12/10/14] Grievant contends that he is being continuously harassed and threatened due to his hair style.

**ACTION REQUESTED:** That investigation be held and suspend officers and members of administration. Wants to press criminal charges on administration. Wants to be left alone about hairstyle. No retaliation for this grievance.

**IGRC RECOMMENDATIONS:** ☐ NONE

**SUPERINTENDENTS RESPONSE:** [12/24/14] The grievant's grooming standards (current hairstyle) was reviewed by the Capt., DSS and Imam. In each case, the grievant was advised that his current hairstyle is not within established departmental guidelines. The grievant has been told on several occasions that his current hairstyle is considered to be a combination of two separate styles and is not in compliance. It should be noted that misbehavior reports can be written regardless of prior dismissals that occur during the hearing for like/similar charges if justified and are reviewed on an individual basis on their own merits. The grievants ability to meet standards at one particular time does not preclude staff from taking actions including disciplinary action on their occasions when he is not in compliance. The grievant is expected to maintain grooming standards at all times.

The grievant allegations could not be substantiated. No malice by staff is noted.



\*\*\*Grievance is denied.

APPEAL TO CORC: [12/29/14] I never changed hairstyle, Supt. failed to hold officers accountable for abandoning there post, frisking me and my cell without a supervisor and Dep. and Supt. failed to investigate Dep. Of Security and Capt. For failure to investigate official misconduct (See attached for continuation).

P. APPEAL CLERK

EASTERN CORRECTIONAL FACILITY  
INMATE GRIEVANCE PROGRAM  
Inter-Departmental Communication

TO: William A. Lee, Superintendent

FROM: Thomas Mauro, IGP Supervisor

DATE: 12/10/14

SUBJECT: Initial Superintendent Review of Grievance Coded 49

Grievance Number: ECF - 26147-14

Grievant's Name: Fox DIN 12B1626

Grievant's Name: \_\_\_\_\_ DIN \_\_\_\_\_

Grievant's Name: \_\_\_\_\_ DIN \_\_\_\_\_

Grievant's Name: \_\_\_\_\_ DIN \_\_\_\_\_

Grievant's Name: \_\_\_\_\_ DIN \_\_\_\_\_

Attached is a grievance pertaining to staff conduct (CODE 49). Please review within 24 hours, and note your findings:

Superintendent's Initials 

Date Reviewed 12/10/14

X

I concur with the filing of this grievance as being coded 49.

An investigation by Capt. can proceed.

I do not concur with the filing of this grievance as being coded 49.

The following action should be taken:

Please return the attached to the IGP Supervisor.

cc: File

Thank you.

STATE OF NEW YORK-DEPARTMENT OF CORRECTIONAL SERVICES  
INMATE GRIEVANCE COMPLAINT

FORM 2131 (REV 9/14)

49 Alleges Harassment / retaliation

Grievance No.

26147-14

EASTERN N.Y. CORRECTIONAL FACILITY

Date 12-8-14

Name J. FOX

Din# 12B1626

Housing Unit 8A-12-18

Program \_\_\_\_\_ AM \_\_\_\_\_ PM \_\_\_\_\_

(Please Print or Type - This form must be filed within 21 days of Grievance Incident)

Description of Problem: (Please make as brief as possible)

(See Attached)

Grievant's Signature \_\_\_\_\_

Grievance Clerk \_\_\_\_\_

Date: \_\_\_\_\_

DEC 10 REC'D

INMATE GRIEVANCE

Advisor Requested YES NO Who: \_\_\_\_\_

Action Requested by inmate: \_\_\_\_\_

This Grievance has been informally resolved as follows: \_\_\_\_\_

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant's Signature \_\_\_\_\_

Date: \_\_\_\_\_

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

\* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

STATE OF NEW YORK - DEPARTMENT  
OF CORRECTIONAL SERVICES  
INMATE BRIEVANCE COMPLAINT

Grievance No.

Eastern Correctional Facility

26147-14

Javell FOX 12B1626 SH-12-18

on November 9, 2014 I was written a complaint Misbehavior Report by officer skred on the 7-3 PM shift. officer skred stated that my hair was not in compliance with Directive 4914 of inmate grooming standards. Lt ~~Madison~~ <sup>Madison</sup> sent her to investigate my hair and upon his orders she did so. on November 12, 2014 I was given a hearing on the ticket for disobeying a direct order. on that date I was found not guilty of the charges and according to law and Directive 4914 my hair is in compliance with grooming standard. I have locks and the sides of my hair cut. I also wear a religious head piece, I was registered Rasta and now I'm registered W.O.I. religious head pieces is also permitted. officers continuously force me to remove my religious head wear. violating my right to religious practice.

on December 7th 2014 I was placed on keeplock status after officer cruz directed officer Williamson on the 7-3 shift after lunch chow to pull me over and aggressively taking 0031f my boots, unbuttoning my pants and I was

at back to my Quarters Housing unit officer William-  
 son came to my House cell 15 or 10 minutes later to  
 search the cell I'm housed in, he asked me if I knew  
 why he was here I told him no. he stated because  
 officer Lieutenant Madison gave me a direct order  
 last month and I failed to comply, however officer  
 lieutenant never saw my hair after he directed me  
 to take my locks out of a corn row, which I did  
 immediately and never put my locks back in a corn  
 row, so for officer Williamson and Cruz to harass  
 in the manner of a pat search that was degrading,  
 cell search that was degrading and a misbehavior  
 (keep lock) report for the same issue I had a hearing  
 in, on November 12, 2014 and Lt Simmons per directive  
 said Hair cut / style is permitted and that misbehavior  
 report was dismissed, officer Cruz, officer Williamson,  
 and Lt Madison <sup>are</sup> exceeding the scope of their duty.  
 when I made officer Williamson aware

that Lt Simmons dismissed the ticket I received for  
 this same issue, officer Williamson stated that Lt  
 Simmons "doesn't know <sup>anything</sup> ~~any~~, he doesn't know how things  
 work around here, Lt Madison does." However Lt Madison  
 happens to be white, Lt Simmons happens to be black  
 and I'm black and officer Williamson is white, so the  
 black lieutenant is wrong at interpreting a directive  
 primarily defining black hair but a white lieutenant  
 is not. this is clearly harassment and a racial attack.  
 I have witnesses that can verify my claims of officer  
 Williamson prejudice against his own lieutenant, this  
 is also an infringement on my religion by officers  
 constantly forcing me to take my religious headwear  
 off. officer Williamson also stated that he was searching me and  
 was not on his post

action requested: I request that officer cruz and officer williamson get a Drug test and a mental evaluation. I request that no Drug or weapons be planted on my person or in my Assigned cell as well as no urine tests by officers that coincidentally comes up positive for Drugs, and I request to be free from officers Assaults and lies that I assaulted first so they protected themselves. these are all tactics that officers use to punish inmates for using the Grievance system. Lieutenant Madison complained to officer cruz and officer cruz <sup>conspired</sup> ~~and~~ officer williamson <sup>to write</sup> ~~wrote~~ me complaint misbehavior reports, searched my person and assigned cell in a Degrading manner, without permission from no Authority of them, this is gang activity. I request also to be left alone, and not harassed and released from keeplock status. officer cruz and williamson also need to be suspended. I would like <sup>to be</sup> assisted in filing Harassment criminal charges against officer cruz and officer williamson and Lt wilson. I fear for my safety.

cc I.G

cc commissioner

cc Attorney General

cc Governor

Furthermore sgt Connor authorized officer williamson to search my assigned cell. so basically because of my hair and the way I look sgt Connor okayd further Harassment and also went against Lt Simmons disposition. sgt Connor has harassed me in the past and also need a Drug Test, mental evaluation and suspension. c.o cruz has numerous complaints of Assault and harassment against him, and continues to be a threat to inmates safety on November 30, 2014 c.o cruz told Lt Madison that if he see me he's gonna write me up. Since c.o cruz was not on his post and Abandoned his post to point me to c.o williamson and accompanying officers he couldn't write the ticket so he had officer williamson do it, these are criminal behavior that lie within eastern by correctional officials. I notified my family and attorney about the ongoing issue, they are prepared to notify the Governor Andrew Cuomo, the Attorney General and ABC News 0033rah wallace to shine light

JAVELL FOX 12B16Z6 SH 12-18  
12-14-14

Consolidate  
26147-14

Grievance No

Eastern Correctional Facility

on 12-12-14 I was called out to speak to the security captain pertaining to a complaint that wrote about Lt Madison, C.O. Cruz and C.O. Williamson, and Grievance that I filed for retaliation and Harassment stemming from a ticket (Misbehavior report) that I received from officer Szekred for disobeying a direct order from Lt Madison. this ticket was given to me on 11-9-14 and a hearing was held on 11-12-14 and the Hearing officer Lt Simmons found me not guilty and stated that my Haircut / Hairstyle was Allowed per Directive 4914 and Law.

on 12-7-14 I received a misbehavior report for the same issue. on 12-12-14 Captain stated to me that my hair was not in compliance and he clearly misinterprets the Directive that states 'Dreadlocks' can not be woven, Twisted or ~~corn~~ corn rolled together.

The Captain said that my locks are twisted therefore my hair is not in compliance. also my hair is cut on the side and said that that is

two different hairstyles and is in further non-compliance. In the Directive Hairstyles states Cornrow Braids and Dreadlocks, so I could understand if I had corn row braids on the side and locks on the top. This would be a violation by my hair being cut on the sides and lock on the top. Neatly groomed is one hair style. 2614744

My Religion is Rastafarian and I adhere to the strict custom of my Native Cherokee Ancestry and my Hairstyle is a cultural symbol, that represents the bear turning into the Hawk, which means from land to sky, spiritual rebirth.

Captain also stated that if I don't cut my hair by the time I go to my hearing I'm gonna be found guilty. So my hearing is now predetermined which is a violation of my constitutional right to due process by him being the investigation captain influencing the hearing officers decision and ability and obligation to be impartial. *Francis v Coughlin* 891 F.2d 43,46 (2d Cir 1989) and he is also infringing on my Right to Religion under Section 60(1) of the New York Corrections law. My Hairstyle is a spiritual religious symbol and is no threat to the order, safety or security of the prison.

Furthermore I made captain aware verbally which he was already aware orally that I had been frisked physically by officers because of my hairstyle, officer Cruz abandoned me not to direct officers and show them who



was, and Sgt prayed officers to further 2614714  
 FRISK my cell for no reason concerning safety  
 or security only to execute a cell to find  
 item that I cant have or any little thing to  
 Add more charges to the misbehavior report to  
 assure that I confined to my cell after the  
 hearing.

Captain was not concerned with this ~~and~~  
 justified the Sgt and officers malicious  
 conduct, he had predetermined to state that  
 my hair was not in compliance by Highligh-  
 ting the same subdivisions that the officer  
 quoted which is idiotic and violates my civil  
 and constitutional rights the captain is bias,  
 and by him influencing the hearing officer HE  
 is breaking correction rules - I also told the capt.  
 that when I came back from the hearing officer Cruz  
 and his co-worker was teasing me and telling me to say some-  
 thing now and making chicken quacks  
 like they were Highschool teenage  
 Bullies, capt didn't care.

Action requested

I request to be allowed to wear my  
 hairstyle, it is a religious symbol of strength,  
 peace and growth, and for the captain to  
 be explained the importance of protecting  
 prisoners constitutional rights and by him  
 supporting or agreeing with officers Abandoning  
 there post, to point out a inmate, FRISK him,  
 then the Sgt prays a cell search all because  
 of a inmates hairstyle that poses no threat  
 to safety and security is a contradiction  
 of his Rank.

Javel Fox 12B1626 SH-12-18

Dec-18-2014

Consolidate  
26147-4

cc: Superintendent  
Eastern Corr Fac

Grievance no!

Today I spoke with Dep Russo, I was spoken to like a degenerate Embasil, I come to that conclusion by the tone of his expression of words. He told me to take that off let me see, you hiding it, take that off, he's referring to my religious head wear, no respect at all, furthermore he already predetermined his ruling on what he thought my hair should be, of course, not in compliance.

he spoke about the captain's decision on my hair and agreed "of course", he spoke nothing about the captain's failure to investigate and possibly covering for officers misconduct.

The official staff here is egotistical, they have no interest in me and do not see me as a human being just a prison, officials here from what I've seen through my see each other as human and is only out to protect each others interest, no ~~matter~~ matter how much harm they cause me, ~~superintendent~~ <sup>superintendent</sup> if a samurai was to be housed in ~~this~~ prison, and he had all his hair shaved off on the side part of the top and the back and one ponytail with a braid <sup>representing</sup> his religious <sup>003</sup>

future, would you keep sending officials to  
 inspect his hair or would you make a decision  
 or direct those of who you send to make  
 a decision based on Correction Law section  
 60(1) Right to Religion 1st Amendment, its  
 common sense that the directive cant list  
 every ~~hairstyle~~ / Haircut that entitles a  
 hairstyle. the Directive Donot say my Hairstyle  
 is not permitted and NY Cor Law 60(1) allows  
 me to express my religion As long as im not  
 disrupting the order of the facility or threatening  
 safety and security, I'm a true descendant of  
 the Cheeroke natives and I acknowledge Halle  
 Salassie I the last king of Ethiopia as the true  
 and living God which holds the wisdom of the past  
 that man should follow, my hairstyle is holy  
 religious I request that you allow me to ~~practice~~  
 express my religion that's a constitutional  
 right. Det Russo stated that if I don't  
 cut my hair or grow my hair (of course he  
 did not say that me twisting my locks was  
 against Directive like the captain did) I'm gonna  
 remain confined, who is he to disregard correction  
 Law 60(1) or do he know it and if he don't me's  
 not trained properly, However he should know the  
 Constitution and Det Russo is clearly violating my  
 Constitutional Right

Gannell 

Action requested: to be allowed to  
 express my beliefs and reflect the consciousness that  
 we are under the U.S Const N.Y State

26/47-44

11/17/1

GVE11 FOX 12B1626 SM 12-18 12-20 4

Eastern Correctional Facility

Consolidate  
Grievance No.

26147-14

On 12/14/14 I received a memorandum from Dep Russo pertaining to our meeting on 12-16-14.

Dep Russo is falsifying documents intentionally. Dep Russo on above date at the lobby or South hall he conspired with a female officer and concocted the lie at that time that states my hair was ~~only~~<sup>in</sup> a braided style that forms pockets. As the Dep of Security he's competent at crafting memos for his higher official that use the rules to punish me at the expense of him falsifying documents, because a picture was taken of my hair the same day we spoke, that will prove Dep Russo is a liar, criminal and has no integrity.

### Action Requested

I want to file criminal charges in this matter, equal protection of the law. If I break a rule or the law I'm immediately punished, these officials such as Dep Russo need to be criminally investigated and punished after the fact findings to deter future behaviors like falsifying documents to lie for peers and -- no and sweep under the rug official misconduct. 11-cv-00390, a inmate. This is

JAVELL FOX 12B1626 54-12-18 (12/15/14)  
 complaint FOR captain chetti

26142-LQ  
 candidate

(49)

FM.

GRIEVANCE No. [REDACTED]

## EASTERN CORRECTIONAL FACILITY

I received the outcome of captain's investigation  
 (of Grievances that I filed and complaints I wrote) in  
 writing.

I am awestruck to see how incompetent the captain  
 is acting and how much he lacks integrity, the super-  
 intendant has a liar for a captain and as a security  
 captain he can not be trusted.

Captain states officer williamson gave a memo  
 explaining ~~that~~ <sup>that</sup> he pat frisked me and at that  
 time he felt a slit on the inside the waistband form-  
 ing pockets then he frisked my assign cell. However  
 what was the reason he frisked me captain failed to  
 state that, he also failed to investigate officer  
 Cruz for abandoning his post just to point me  
 out to officer williamson and officer waugh,  
 also officer ~~waugh~~ <sup>waugh</sup> was not there  
 when officer williamson came to frisk my assigned  
 cell as captain stated he was sent by sgt. he  
 however came because no sgt sent williamson I  
 told him my cell location and he came on his  
 own alone, and I have a witness that heard  
 william say why he came (because of my HAIR style)  
 and heard officer williamson when he said to me  
 he see a pattern in my pants they all have slits  
 in them, then he left out of the cell, told me to  
 get on the gate and he then felt my band to see if  
 the pants I had ~~had~~ <sup>on</sup> had slits in them which they did.  
 He states that he finds no employee misconduct,  
 " - A lot for him to 0040 hired, to find employee

I was, and Sgt okayed officers to further <sup>26147219</sup> frisk my cell for no reason concerning safety or security only to execute a cell to find item that I cant have or any little thing to add more charges to the misbehavior report to assure that I confined to my cell after the hearing.

Captain was not concerned with this AND justified the Sgt and officers malicious conduct, he had predetermined to state that my hair was not in compliance by highlighting the same subdivisions that the officer quoted which is idiotic and violates my civil and constitutional rights the captain is bias, and by him influencing the hearing officer HE is breaking correction rules - I also told the capt. that when I came back from the hearing officer Cruz and his co-worker was teasing me and telling me to say something now and making chicken quacks like they were high school teenage bullies, capt didn't care.

Action requested

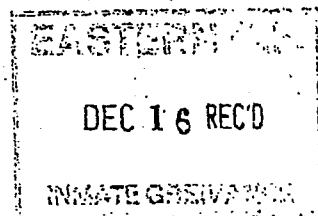
I request to be allowed to wear my hairstyle, it is a religious symbol of strength, peace and growth, and for the captain to be explained the importance of protecting prisoners constitutional rights and by him supporting or agreeing with officers abandoning their post, to point out a inmate, frisk him, then the Sgt okay's a cell search all because of a inmates hairstyle that poses no threat to safety and security is a contradiction of his rank.



misconduct and if he did not he would never get  
 fired, so since he was sent to do an investigation  
 if found no employee misconduct he should be sus-  
 ended. For one officer Cruz abandoning his post  
 a point me out to get me searched if definitely  
 employee misconduct, and for captain to not even  
 mention shows hes trying to cover for the employees  
 misconduct, which makes him an accomplice to officers  
 and lieutenant criminal action. 2 Captain never  
 spoke about why I was pat frisked and who okayed  
 that, why because no one okayed it and this is  
 further him trying to cover up for employees  
 misconduct, and then making up an elaborate story  
 for why ~~they~~<sup>he</sup> came <sup>he</sup> because of my pants having slits  
 in them) to ~~search~~<sup>he cell</sup> me, but I have a witness that can  
 attest to him stating clearly why he came to frisk  
 my assigned cell (because of my hairstyle etc.) no Sgt  
 gave permission ~~the~~ he may have backlogged it with  
 Sgts permission, I'm sure of that the captain covers  
 up for security staff, lieutenants and Sgts do the  
 same officers police themselves and act as tyrants  
 when ever they choose, and if captains like the  
 Captain that the Superintendent sent to investigate  
 that'll cover up employee misconduct, Hes a criminal,  
 Bias prejudice, and his action are intentional not negligent  
 he also failed to speak about me telling him about Cruz harassing  
 and taunting me on 12/11/14 an incident in which I just filed  
 Actions requested a grievance on

Captain needs to be suspended. I request  
 An employee rule book, and for the log of my frisk  
 and cell search to be put in file and preserved.

CC Commissioner  
 CC Governor  
 CC Attorney General  
 CC I.G.



Jawell FOX 12B16cb SH-12-18 12-14 12

Grievance No

26147-14

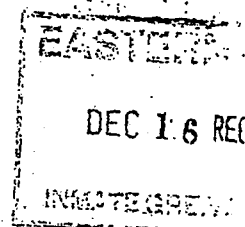
Eastern Correctional Facility -

On 12-11-14 officer Cruz and his co-worker during the 7-3<sup>rd</sup> shift at south hall lobby saw me coming back from my hearing and officer Cruz began to tease me and taunt me calling me mr keeplock, and telling me to say something now in a provoking manner because he read the complaint I wrote about him Abandoning his post and directing officers to frisk me because of my hairstyle, officer Cruz co-worker he began to make chick quack noises at me and Cruz continued to verbally annoy me by saying Yea I thought you aint have nothing to say. there actions were like teenage Highschool Bullies. Im begining to get headaches because of the constant harassment.

Action requested



that officer Cruz get a urine test and a mental evaluation, and be ordered to leave me alone.

26147-14





Received 12/29/14  
Javell 890  
5H-16-004

GRIEVANT FOX, JAVELL	DIN # 12B1626	HOUSING UNIT <del>US 32-101</del>
STATE OF NEW YORK  DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION INMATE GRIEVANCE PROGRAM SUPERINTENDENT WILLIAM A. LEE	GRIEVANCE NO. 26147-14  FACILITY Eastern Correctional Facility  TITLE OF GRIEVANCE Alleges Harassment/Retaliation  SUPERINTENDENT'S SIGNATURE 	DATE FILED 12/10/14  POLICY DESIGNATION 1  CLASS CODE 49  DATE 12/24/14

Grievant complains that he is being harassed and retaliated against as a result of his hairstyle.

The grievant's grooming standards (current hairstyle) was reviewed by the Captain, DSS and Imam. In each case the grievant was advised that his current hairstyle is not within established departmental guidelines. The grievant has been told on several occasions that his current hairstyle is considered to be a "combination" of two separate styles and is not in compliance. It should be noted that misbehavior reports can be written regardless of prior dismissals that occur during the hearing process for like/similar charges if justified and are reviewed on an individual basis on their own merits. The grievant's ability to meet standards at one particular time does not preclude staff from taking actions including disciplinary action on other occasions when he is not in compliance. The grievant is expected to maintain grooming standards at all times.

The grievant's allegations could not be substantiated. No malice by staff is noted.

\*\*\*Grievance is denied.

WL: tm

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign and date below and return to the IGRC Office. You have seven (7) calendar days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

I never changed Hairstyle, Superintendent failed to Hold officers  
Accountable for abandoning there Post, Frisking me and  
my cell without A supervisor and Dep and Super intendant - Back Attached

  
GRIEVANT'S SIGNATURE

  
DATE

\_\_\_\_\_  
GRIEVANCE CLERK'S SIGNATURE

\_\_\_\_\_  
DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g).

INVEST FOX FBI 26 December 2011 South Hall 16-4

Superintendent's  
GRIEVANCE

# EASTERN CORRECTIONAL FACILITY

Superintendent failed to investigate Dep of Security and Security Captain for failure to investigate official misconduct, Superintendent allowed Officer Cruz to Abandon his post, he allowed Officer Williamson and Officer Wough to frisk me without approval from there supervisor he also allowed these same set of officers or rather Officer Williamson to frisk my cell without permission from his supervisor, all because of my HAIR. Lt Madison and Officer Cruz conspired this whole ordeal a week prior to it occurrence. I have a witness that attest to this. Superintendent allowed me to get an Affirmed Decision By DSS Russo who I wrote a grievance on and out of Retaliation he Affirmed my penalty of 30 Days keeplock, 30 Days loss of REC, 30 Days loss of phones, and 30 Days loss of package. Superintendent is allowing officers and higher officials to pressure me into cutting my Mohawk, with locks in it, which is properly groomed and a symbol of my Native American Heritage, and Rastafarian belief, protected under the Constitution and NYCORR law 610, Superintendent is also allowing for me to be held Double Jeopardy, on Lt name Simmons found my Dead Hawk/Bear Hawk to be in compliance and I got to misbehavior report for the same thing. Superintendent also is not Assuring that the facility is safe, while I'm on keeplock I had to climb a chair and up the Bars to get my Breakfast lunch and dinner, I ended up falling Down on the chair and having to be

carried to medical hospital in the facility given steroids  
 shot to walk, and hospitalized in infirmary for 3 days  
 from the 23<sup>rd</sup> of December to the 26<sup>th</sup> of December  
 and now I walk with a cane, because Eastern Correctional  
 cells at South Hall where I lock are not fit for keep-  
 lock and after I got out of Hospital they put me  
 right back in South Hall, where now I have to wait a  
 hour for officers to open my cell so my food is  
 cold when I get it, Superintendent in my opinion  
 is coercing the mailroom not to send out my mail  
 because I have been trying to write you and the  
 Governor and the Mailroom has been holding the mail  
 for 2 weeks, so I have to write you in some one  
 elses name to assure you get the mail along with  
 the Governor.

Jamell J. J.

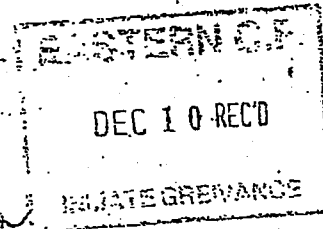
### Action Requested

I request that an investigation be held  
 about this matter and that officers get suspended  
 and Captain and Dep Russo as well as Superintendent,  
 and I wish to press charges on the mail room, officers  
 Captain Dep and Lieutenant and if Superintendent  
 gave the order for my mail to be held I want to press  
 criminal charges on him as well, and I would like you to  
 order this facility and any other facility to leave  
 me alone about my mallowk hairstyle, it is not  
 a risk to the order of a facility or safety and  
 security and it is my culture and religious right  
 under the constitution of the state of New York  
 and the United States. (~~But my hairstyle~~ Ray)

is instructing the mailroom to hold my mail pertaining to the real issues, so the mailroom is holding my mail and not sending it to commissioner, the governor and prisoners legal service. I also wrote a grievance on the superintendent and sent it to the commissioner of corrections so your office could refer to that as well, the superintendent is falsifying documents, my grooming standards (current hair-style) was never reviewed by a imam, what kind of people is working for DOCS, this is sick, as you could see this whole packet, 40 pages that has to be reviewed and the superintendent fails to investigate in order to cover up for the captain, D.S. Lt, Sgt and officers, this is clear gang activity, how could I meet grooming standards on both misbehavior reports, I was found not guilty and in compliance, now because I'm filing grievances for harassment DSS, and captain states I'm not in compliance I have to cut my hair, that's there order, but they are not man enough to put that on paper because they know they have no authority to tell me to do so in there official capacity, so verbally they tell me to cut my hair, exceeding the scope of there duty acting then in there personal capacity with intentions to harm me, and inflict cruel and unusual punishment on me,

Jaquell Jp  
12-29-14

## EASTERN CORRECTIONAL FACILITY

IGRC OFFICE ACKNOWLEDGEMENT RECEIPTTO: Fox DIN: 12B1626 CELL: 12-18This notice is to inform you that your grievance(s) dated 12/8  
was/were filed on \_\_\_\_\_Log # ECF- 26147-14CODE: 4.9TITLE: Alleges Harassment/Retaliation

Your log number, DIN, and cell location must be included on any inquiries made concerning your grievance.

Upon completion of an investigation and if not resolved you will be scheduled for an IGRC hearing within 16 calendar days of the filing date. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC can hold a hearing in absentia. If 3 scheduled hearings are missed due to legitimate reasons the IGRC can hold the hearing in absentia. When a grievant is kept locked over thirty (30) days a hearing can be held in absentia.

If your grievance is numbered as part of a consolidate issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Grievances coded 25.1, 25.2 or 49 are passed directly through to the Superintendent for action. An investigation will be conducted and the Superintendent should respond within 25 days of the filing date. No IGRC hearing will be held.

If a response is considered untimely then the IGRC Office may contact you to ask for an extension or you can request in writing that it be appealed to the next level.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IGRC Clerk [Signature] IGP Supervisor \_\_\_\_\_ IGRC Sergeant \_\_\_\_\_

JAVELL FOX 12B16 0 Southhall 16-4

December 26, 2014

EASTERN CORRECTIONAL FACILITY

To Whom it may concern

On November 9, 2014 I was given a misbehavior report (Ex A) about my hair officer lied saying my locks were braided, I was found not guilty, by Lt Simmons, Hearing Officer, on ~~November 12~~ November 12, 2014

On December 7, 2014 I was searched by officer Williamson and officer Waugh, officer Cauley abandoned his post & to point me out to these officers. A week prior officer Cruz told Lt Madison that when he see me its gonna give me another misbehavior report for the same thing (my hair), in which I was found to be in compliance. <sup>(Ex B)</sup> Officers never got approval from there supervisor to frisk me and then officer Williamson came to my cell and frisked my cell still without approval from a supervisor, just so he could find something to add on the ticket to make sure I was given keeplock time and suffered. He found 4 pair of state greens that was cut a quarter inch in the waist. I am now serving 30 days for these cut pants and had to pay 44.82 for used pants that were already in that condition when I got them from my last facility and these pants would've cost 2.00 <sup>(Ex C)</sup> the most to repair. I wrote a grievance on the Lt and officers, Captain Webb came to speak with me, immediately he covered up official misconduct, I wrote a grievance on the Captain for this clear assistance in failing to punish or speak to officers for abandoning post and also covering up for them. <sup>(Ex D)</sup> The Dep came to speak to me he covering for the captain and fails to investigate. Officer misconduct, I wrote a grievance on the Dep. <sup>(Ex E)</sup> I appealed the Tier II proceedings as excessive penalty and no proof to prove I cut the pants, the Dep affirmed the penalty of 30 days, the same Dep I grieved. <sup>(Ex F)</sup> I been trying to write to the commissioner and governor, however the mailroom is not sending out my mail and is holding it so I cant access the proper channels, for remedy. <sup>(Ex G)</sup> the keeplock status here is cruel and unusual, I had to climb on a chair, ~~and~~ up the



Bars to get my breakfast, lunch and dinner trays, on December 23, 2017 I slipped off the bar hit, a chair fell back and had to be carried to the hospital and given steroid shot to walk and then I was hospitalized in the prison infirmary until December 26, 2017, and I now temporarily (Hopefully) walk with a cane, because I don't walk to good without it as of now, I am writing a grievance on the Superintendent <sup>(EXH)</sup> I also asked officers all the time to open my cell and hand me my tray, they tell me to climb or don't eat, <sup>(EXH)</sup> the Superintendent allows this jail to run out of control, the Superintendent could of prevented this, plus I should of never been on keep-lock for my HATIA and pants that's ripped that is not a safety and security issue, my hair is in a Mohawk hairstyle I am Native American through my father's mother and I am Rastafarian, my hair is not all the way locked so it's twisted as that's the only way to get modern locks, and they go back into a mohawk, I've been harassed and keep lock for my hair since I been in this facility, now I'm being charged 44.82\$ and 30 days keep lock, <sup>(EXH)</sup> loss phone, loss of package and loss of rec, because of my haircut and I had to climb to get food like a animal and now I'm cripple, because I fell, I should not have to be abused and placed under such treatment, please contact this facility as the powers that be and stop them from abusing me, I enclosed a witness statement on my bench. Exhibit C. Exhibit D. will show the continued harassment

cc Governor

cc Commissioner

cc Good Morning America

cc Daily News

cc Prison Legal Services

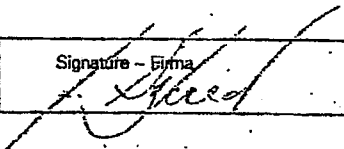
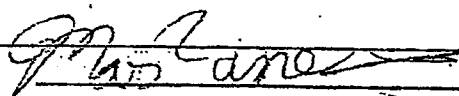
cc Prison Voices Project

I wish to file criminal charges in this matter, please assist me in doing so.

Form 2171A (1/12)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN CORRECTIONAL FACILITY3 copies  
(EX A)

## Inmate Misbehavior Report - Informe De Mal Comportamiento Del Recluso

1. Name of Inmate (Last, First) - Nombre Del Recluso (apellido, nombre)		No. - Num	Housing Location - Celda
FOX, JAVELL		12B1626	SH-12-8
2. Location of Incident - Lugar Del Incidente		Incident Date - Fecha	Incident Time - Hora
YARD GATE		11/9/2014	APPROX 10:30AM
3. Rule Violation(s) * Violaciones			
106.10 DIRECT ORDER			
4. Description of Incident - Descripción Del Incidente			
On 11/6/14 I, Officer J. Szkred, observed Inmate Fox 12B1626 with the sides of his head shaved and 1 large braid down the center of his head. I counseled Inmate Fox and ordered him to fix his hair to be in compliance with directive 4914 Inmate Grooming Standards. On 11/9/14 I observed Inmate Fox with the same hair style and when I questioned him about it he said "I'm not going to change my hair". Inmate Fox admitted that he is going to continue to defy the rules set forth in directive 4914. Area Sergeant Fassetta was notified and Inmate Fox was placed on keeplock status. It should be noted that Inmate Fox has been counseled for the same infraction by numerous security staff in the recent past, including Lt. E. Madison on 11/6/14.			
Report Date - Fecha 11/9/2014			
Reported by - Nombre De La Persona Que Hace El Informe J. Szkred		Signature - Firma 	Title - Título C.O.
5. Endorsements of other employee witnesses (if any) Endosos De Otros Empleados Testigos (si hay)		Signatures: Firmas	
2 _____		1 _____ 3 _____	
Note: Fold back page 2 on dotted line before completing below			
6. Were other inmates involved? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give name & #			
7. At the time of this incident, was inmate under prior confinement/restriction? <input type="checkbox"/> Yes <input type="checkbox"/> No or As a result of this incident, was inmate confined/restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
8. Was inmate moved to another housing unit? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, (a) current housing unit _____ (b) Authorized by _____			
9. Was physical force used? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, file form 2104)			
Area Supervisor Endorsement 			
Dist: WHITE - Disciplinary Office CANARY - Inmate (After review)			

0051



11/10/14  
DCP004

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1  
DISCIPLINARY HEARING DISPOSITION RENDERED

EASTERN GEN

TAPE NUMBER 14-181 (EX 3)

DIN: 12B1626 NAME: FOX, JAVELL

LOCATION: SH-12-018

INCIDENT DATE & TIME: 11/09/14 10:30 AM TIER 2

REVIEW DATE: 11/10/14 BY: LT CAPUTO

DELIVERY DATE & TIME: 11/10/14 09:15 AM BY: CO MAYR

HEARING START DATE & TIME: 11/12/14 10:47 AM BY: LT SIMMONS

HEARING END DATE & TIME: 11/12/14 11:03 AM BY: LT SIMMONS

CHARGE NUMBER	DESCRIPTION OF CHARGES	REPORTED BY	DISPOSITION
106.10	REFUSING DIRECT ORDER	CO SZKRED	<u>NG</u>

ANY GUILTY DISPOSITION WILL RESULT IN A MANDATORY DISCIPLINARY SURCHARGE IN THE AMOUNT OF FIVE(\$5.00) DOLLARS BEING ASSESSED AUTOMATICALLY AGAINST THE INMATE.

PENALTY CODE	DESCRIPTION	PENALTY MO DAYS	START DATE	RELEASE DATE	SUSPEND MO DAYS	DEFERRED MO DAYS	RESTITUTION \$\$\$\$
-----------------	-------------	--------------------	---------------	-----------------	--------------------	---------------------	-------------------------

Dismissed

11/10/14  
DCP004

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES - PAGE  
DISCIPLINARY HEARING DISPOSITION RENDERED

2 (EX B)

DIN: 12B1626 NAME: FOX, JAVELL

HEARING DATE: 11/12/14

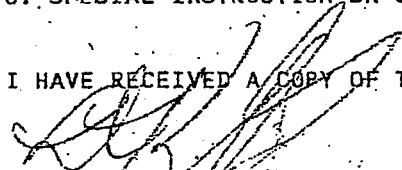
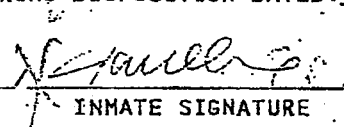
A. STATEMENT OF EVIDENCE RELIED UPON:

~~THE WTS~~ INSUFFICIENT EVIDENCE TO  
SUPPORT THE CHARGE. HAIR CUT/STYLE IS  
PERMITTED IAW DIR 4914.

B. REASONS FOR DISPOSITION:

C. SPECIAL INSTRUCTION ON CORRESPONDENCE RESTRICTIONS AND REFERRALS

I HAVE RECEIVED A COPY OF THIS HEARING DISPOSITION DATED: 11/12/14

 HEARING OFFICER SIGNATURE  
 INMATE SIGNATURE  
DATE & TIME RECEIVED 11/12/14 1103/A

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING APPEAL PROCEDURES:

☒ FOR TIER II HEARINGS-APPEAL TO SUPERINTENDENT WITHIN 72 HOURS.

☐ FOR TIER III HEARINGS-APPEAL TO COMMISSIONER WITHIN 30 DAYS.

From: JAVELL FOX 12B1626 SH-12-18

Eastern NY Correctional Facility

[EXC]

P.O. Box 338

Napanock N.Y. 12458

To: Superintendent

Date: 12-7-14

on 11-9-14 I was given a misbehavior report by officer skred for refusing a direct order. officer skred claimed that my hair was not in compliance with directive 4914 of inmate grooming standards. I have locks going, and the sides cut. at the hearing held on 11-12-14 Lt Simmons found me not guilty and per directive concluded that my haircut/style was in compliance. on the ticket officer skred lied about how my hair was styled. when she saw me after the ticket was dismissed, she said she had to because Lt <sup>Madison</sup> gave me a order. (very unprofessional).

Lt <sup>Madison</sup> gave me a order prior to that ticket not to braid my locks or cornrow my locks, which I promptly followed.

on December 7, 2014 officer cruz directed officer Williamson to search me, where he took off my shoes and had me in my box in the hallway. I was then sent back to my assigned cell after the search of my person. 10 minutes later officer Williamson arrived at my assigned cell, ordered me out and began to search. he asked me if I knew why he was there. I stated no, he said that Lt <sup>Madison</sup> gave me a order, and I told him I followed it, and had a hearing for that order, and again a officer is being sent by Lt <sup>Madison</sup>. I told officer Williamson that I had a hearing for that order and was found not guilty by hearing officer Lt. Simmons. officer Williamson stated that Lt Simmons doesn't know anything, and he don't know how things run around here. I also have witnesses that heard this statement. Lt Simmons is Black Lt <sup>Madison</sup> is white, officer Williamson is white and Lt <sup>Madison</sup> is Black. officer Williamson is being racist. Lt Simmons is competent enough to interpret Black hair, and a grooming directive that defines primarily Black hair. I request to be released from

issue. It is no reason for me to be on keeplock status for my hair representing my culture and in compliance with Directive. I also Request not to be setup with Drugs or weapons or positive urine test or Assault by officers, I don't use Drugs, or sale Drugs, I don't make weapons or use weapons, I'm not violent. these are tactics officers use to punish inmates for using the Grievance system. its not far fetched, for my ticket being dismissed I been Harassed for a month by officers now leaving in a misbehavior report for my hair again and possibly another ticket. officer cruz left his post just to Harass me. I request to be Assisted in filing criminal charges against officer cruz, officer williamson and Lt <sup>madison</sup> ~~crucio~~. I fear for my safety at 6:15 PM I was given a urine test, officers are going great lengths to punish me for no reason, just because of my hairstyle. officer williamson even stated that he was searching my person and assigned cell because of my hair. Lt and officers are exceeding the scope of there duty to the point of gang activity. officers and Lt are also violating my right to religion by constantly forcing to remove my religious head wear. Just to see my hair like I'm a freak show. I'm being degraded and cruel and unusually punished. Facility Grievance have been filed in this matter and a Notice of Intent is being Prepared.

CC I & G

CC Commissioner

CC Attorney General

CC Governor

Janell Ivy

also on November 30, 2014 a inmate overheard edo cruz tell Lt wilson that if he see me he going give me a ticket, this was conspired, and is a criminal act, and should not be tolerated. I am indigent, I owe advances for legal copies and I have a pending surcharge there fore the Facility takes 100% of my idle pay. I request An Advance from the Facility To get Hygiene Products, a drinking mug (because you ordered the C.O's to Confiscate all water bottles, so now I can't get water to drink and stamps so I could write my relatives

(Ex C)

I Bennett Esquivel #98 A4911 was sitting in my cell on December 7, 2014, when I over heard the conversation between the inmate in 12-18 and the officer who was frisking his cell. The officer gave a direct order to the inmate in 12-18, to step out of his cell and place his hands above his head, so that he could get frisk. The inmate complied with the order the officer then gave the inmate another order to stand and face his cell while he conduct a cell search of his cell. The inmate complied with that order also. The officer then ask the inmate did he know why his cell was being search, the inmate replied that he didn't know why. The officer then stated; that the reason why the inmate cell was being search, is because he was given a direct order to cut his hair by the Lieutenant and that he was not in compliance with the direct #4914 of hair styles. The inmate then replied to the officer "That he was in fact in compliance with the direct #4914, and that he receive a misbehavior report for the same hair style before, and that the Lieutenant who did his hearing dismiss all charges against him being in compliance with the direct #4914." The officer then ask the inmate "did he have the disposition of the hearing," the inmate replied "yes." The officer then stated that the hearing Lieutenant did not know what he was talking about and that the Lieutenant was wrong in his decision and that the other Lieutenant was right about his hair style not being in compliance with the direct #4914, and that he will be keeplocked again for having that hair style.

B. Esquivel  
98 A4911

Dub. 12/8/14

0056

From: JAVELL FOX, 12B1626, South Hall, 12-18, EASTERN NY,  
CORRECTIONS  
FACILITY  
TO: Superintendent  
Date: 12-14-14 (EXD)

On 12-12-14 a captain came to speak with me. he already was predetermined to rule that my hair was no in compliance, a conclude this because he had all subdivision under dir 4914 highlighted that he used to tell me my Hair was not in compliance. Captain told me that I could not twist my hair. I explained to him that all new growth must be twisted, or hair that isn't locked must continue to be twisted in order to lock, captain misquoted directive 4914. Directive states ~~an inmate with~~ Dreadlocks may not be twisted, wave, or controlled "together" captain interpreted this to mean that Dreadlocks may not be twisted, and anyone seeking to have Dreadlocks cannot because an inmate cannot twist their hair, I explained to captain that the directive meant two or more Dreadlocks cannot be twisted together, I understand why for safety and security, hair can be used to smuggle contraband, if Dreadlocks are twisted, wavy, or controlled "together" Dreadlocks and together is the words. captain's misinterpretation is an infringement on my federal and state right to religion.

Also the Directives states that you cant have two hair styles, meaning cornrows and Dreadlocks, which would not make sense. However my Hair being cut on the sides do not constitute a hairstyle, ~~as~~ it's constitutes a hair cut with my locks on top and in the back which pays reverence to my Native American Heritage that I acknowledge through my father's mother who passed away.



(Ex D)  
my haircut on the sides and my locks on the top and back constitutes a hairstyle, a hairstyle that is popular amongst minorities and whites of the Punk Rock culture.

Captain is clearly misinterpreting the Directive and told me furthermore that I have to cut my hair all together. he also said that when I go to my hearing I can not have any hair on top because are not fully dreadlocked and some parts that is not locked is twist, and if I don't comply at the time of my hearing I will be found guilty. so basically my hearing is predetermined and shows proof of bias by influence from the investigation officer over the hearing officer which will prevent the hearing officer from being impartial which is a violation of my due process, under state and federal constitution, Francis V. Loughlin 891 F.2d 43, 46 172 Cir 1989) this is also cruel and unusual.

Furthermore I complained about the officer by the name of Cruz leaving or abandoning his post and conspiring with officers who on 12-7-14 stopped me in the hallway took off my boots and frisked me for no reason pertaining to me being a threat to safety and security frisked my cell just to find anything to add charges to the misbehavior report, this kind of behavior does not concern the captain, I'm being frisked and confined because of a hairstyle, that poses no threat to safety and security. Superintendent you are my caretaker commissioned by the state I ask you to please allow me to exercise my religion and culture in part by the hairstyle neatly groomed.

I am registered in eastern your facility as (Ex 01 N.O.I, however this was done because I wanted to be a part of Saviour's day which is a N.O.I Holiday, we get 3 times to visit a religious function as a guest then we cant go no more. I could just be a guest because I would of needed to be a guest for 5 weeks instead per directive its 3 weeks and the event was 5 weeks away I could sign up last minute (on the 3 week term) because I would not have made the call out, however RASTA is my Religion as well as the science prescribed by the Natives and Ancient Africans.

Please Assist me in being relieved from violation of my due process and confinement for expressing my culture and religion, I was found not guilty in a hearing for my hair and direct order by the same hearing officer who adjourned my hearing that was held on 12/11/14 for no reason other than he knew I was gonna meet with the captain on Friday 12/12/14, so that the captain could predetermine the outcome of my hearing and also the captain is taking the side of security staff of medication and effects mention in my previous letter to you the captain is clearly bias.

cc Governor Andrew Cuomo  
cc Commissioner



(EXD)



STATE OF NEW YORK

DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

PO BOX 338  
30 INSTITUTION ROAD  
NAPANOCH, NEW YORK 12458  
(845) 647-7400

WILLIAM A. LEE  
SUPERINTENDENT

# 12B1626 Fox, J.  
SH-12-18

12 December 2014

I am in receipt of your letter of complaint dated 07 December 2014. I have requested and received memos from all identified Staff.

I meet with you on 12 December 2014, the interview took place in the computer room, located on the Guard room floor. During the interview the following items were discussed.

- 1) Directive # 4914 Grooming standards.
- 2) CORC decision, concerning "corn rows and ponytails".
- 3) The misbehavior report, dated, 09 November 2014.
- 4) Identified "Lt. Wilson" to be in fact Lt. Madison.
- 5) When you received direction from Lt. Madison and when you complied with same.
- 6) What exactly your current hair style is and what you determine it is called.
- 7) The interpretation of the wording "twisted" in directive # 4914.
- 8) Why and what exactly you meant by the statement, "I fear for my safety".

During the interview, you removed your head covering to display your current hair style, at which time I advised you that you were not in compliance with Directive # 4914. I showed you the directive and pointed out to you where the violations were. You stated to me several things. First, that the hair style you have is a dreadlock style. I indicated and showed you Directive # 4914, page 3 of 4, heading 2, sub-heading (a). "The dreadlock hairstyle is allowed. When worn, dreadlocks must extend naturally from the scalp and may not be woven, twisted, or braided together forming pockets that can not be effectively searched".

We also discussed the 08 allowable basic haircuts. You stated to me that, you had a "basic hair cut". I advised you that per directive # 4914, page 3 of 4, heading 2, sub heading (b). "Inmates may wear only one approved hair style; no combination of approved hairstyles is allowed". Your combination of a "short" haircut on the sides and "dreadlocks" on the top, constitutes a "combination" of two approved hair styles and per Directive # 4914, is not allowed.

(EX D)

Pg. 2 of 2  
webbe/fox

We then discussed your concerns, based on the recent misbehavior report you received, as well as a cell frisk and urinalysis request. Your statement to me was, that the "single braid" hair style, you had on 06 November 2014, as observed by Lt. Madison and Officer Szkred, was not the same as what you had on 09 November 2014, nor was it the same style on 12 November 2014, the day of your disciplinary hearing. When asked if the hair style you had on the 9<sup>th</sup> of November, was the same as you had on this date, 12 December, you stated "yes". I then advised you that your current hair style was not in compliance, based on Directive # 4914.

We next discussed the pat frisk, as performed by Officer Williamson on 07 December 2014. Officer Williamson submitted a memo and advises, that on that date he pat frisked you and during said frisk, a small slit was discovered in the waist band of your pants, next to the snap. Officer Williamson continued the pat frisk and reported his findings to the Area Sergeant, who authorized Officer's Williamson and Waugh to perform a cell frisk. During the cell frisk the following items of contraband were recovered.

1) 4 - State green pants, w/ slits cut in the waistband, forming a pocket.  
The items of contraband were confiscated and secured and a misbehavior report generated. You were keep locked for this infraction and as of this writing, remain keep locked pending a disciplinary hearing. Based on this information, a urinalysis request was submitted.

We spoke about your concerns for your safety and I asked you to elaborate, you stated to me that your "freedom" was in jeopardy. You further stated that because of all these recent events, you felt these incidents were escalating.

We also spoke about your religious denomination, which at the time of this writing is Nation of Islam and not Rastafarian, which you now claim to be.

I have read the memos supplied by Staff and I have looked at the documents involved, ie: misbehavior reports, frisk log/cell search log and I find no inconsistencies with good security practices. I do not find any Employee misconduct and I find no basis for your statement that you, "fear for your safety".

I do find, that while the original misbehavior report was dismissed, per Directive # 4914, your hair is still not in compliance, as stated in a recent misbehavior report dated 07 December 2014 and my interview and observation of you on today's date. While you were not charged with this infraction, the fact remains, you must get into compliance with Directive # 4914, or a misbehavior report will be issued.

As for your other allegations, I find them without merit. I advise you to come into compliance with the Directive and display a more positive attitude towards having contraband items in your possession.

JAVELL FOX 12B16Z6 SH 12-18  
12-14-14

(EX 1)

GRIEVANCE NO

### EASTERN CORRECTIONAL FACILITY

on 12-12-14 I was called out to speak to the security captain pertaining to a complaint that wrote about Lt Madison, C.O. Cruz and C.O. Williamson, and Grievance that I filed for retaliation and Harassment stemming from a ticket (Misbehavior report) that I received from officer Szkieid. For disobeying a direct order from Lt Madison. This ticket was given to me on 11-9-14 and a hearing was held on 11-12-14 and the Hearing officer Lt Simmons found me not guilty and stated that my Haircut / Hairstyle was Allowed per Directive 4914 and Law.

on 12-7-14 I received a misbehavior report for the same issue. on 12-12-14 Captain stated to me that my hair was not in compliance and he clearly misinterprets the Directive that states 'Dreadlocks' can not be woven, Twisted or ~~corn~~ corn rolled together.

The Captain said that my locks are twisted therefore my hair is not in compliance, also my hair is cut on the side and said that that is

TWO different hairstyles and is in further in- (Ex B)  
 compliance. In the Directive Hairstyles states  
 Cornrow Braids and Dreadlocks, so I could under-  
 stand if I had corn row braids on the side and  
 locks on the top this would be a violation by  
 my hair being cut on the sides and lock on the  
 top Neatly Groomed is one hair style.

My Religion is Rastafarian and I adhere  
 to the strict custom of my Native Cherokee  
 Ancestry and my Hairstyle is a cultural symbol,  
 that represents the bear turning into the Hawk,  
 which means from land to sky, spiritual rebirth.  
 Captain also stated that if I don't cut  
 my hair by the time I go to my hearing I'm  
 gonna be found guilty. so my hearing is now  
 pre determined which is a violation of my  
 constitutional right to due process by him  
 being the investigation captain influencing the  
 hearing officers decision and ability and obligation  
 to be impartial Francis V. Coughlin 891 F.2d 43,46  
 (2d Cir 1989) and he is also infringing on my  
 Right to Religion under Section 60(i) of  
 the New York corrections law. my Hairstyle is  
 a spiritual religious symbol and is no threat  
 to the order, safety or security of the Prison.

Furthermore I made captain aware  
 verbally which he was already aware orally  
 that I had been frisked physically by officers  
 because of my Hairstyle-, officer Cruz abandoned  
 his post to direct officers and show them who

I WAS, and Sgt Okeyed officers to further (GND) frisk my cell for no reason concerning safety or security only to execute a cell to find item that I cant have or any little thing to Add more charges to the misbehavior report to assure that I confined to my cell after the hearing.

Captain was not concerned with this AND justified the Sgt and officers malicious conduct. he had predetermined to state that my hair was not in compliance by highlighting the same subdivisions that the officer quoted which is idiotic and violates my civil and constitutional rights the captain is bias and by him influencing the hearing officer HE is breaking correction rules. I also told the capt that when I came back from the hearing officer Cruz and his co-worker was teasing me and telling me to say something now and making chicken quacks like they were highschool teenage bullies. Capt didn't care.

Action requested

I request to be allowed to wear my hairstyle, it is a religious symbol of strength, peace and growth, and for the captain to be explained the importance of protecting prisoners constitutional rights and by him supporting or agreeing with officer's Abandoning there post, to point out a inmate, frisk him, then the Sgt okay's a cell search all because of a inmates hairstyle that poses no threat to safety and security is a contradiction of his Rank.

JAVEL FOX 12B1026 54-12-18 (12/15, 14) (Ex D)

GRIEVANCE NO.  
EASTERN CORRECTIONAL FACILITY

I received the outcome of captain's investigation (of grievances that I filed and complaints I wrote) in writing.

I am awestruck to see how incompetent the captain is acting and how much he lacks integrity, the Superintendent has a line for a captain and as a security captain he can not be trusted.

Captain states officer Williamson gave a memo explaining ~~that~~ <sup>that</sup> he pat frisked me and at that time he felt a slit on the inside the waistband forming pockets then he frisked my assign cell. However what was the reason he frisked me captain failed to state that he also failed to investigate officer Cruz for abandoning his post just to point me out to officer Williamson and officer ~~Wagh~~ <sup>Wagh</sup>, also officer ~~Wagh~~ <sup>Wagh</sup> was not there when officer Williamson came to frisk my assigned cell as captain stated he was sent by Sgt, he however came because no Sgt sent Williamson I told him my cell location and he came on his own alone and I have a witness that heard William say why he came (because of my HAT R style) and heard officer Williamson when he said to me to see a pattern in my pants they all have slits in them, then he left out of the cell, told me to get on the gate and he then felt my band to see if the pants I had ~~on~~ <sup>on</sup> had slits in them which they did.

He states that he finds no employee misconduct, if this was a test for him to ~~not~~ <sup>not</sup> hired, to find employees



misconduct and if he did not he would never get (ex D) hired, so since he was sent to do an investigation and found no employee misconduct he should be suspended. for one officer Cruz abandoning his post to point me out to get me searched if definitely employee misconduct, and for captain to not even mention shows hes trying to cover for the employees misconduct, which makes him an accomplice to officers and lieutenant criminal action. 2 Captain never spoke about why I was pat frisked and who okayed that, why because no one okayed it and this is further him trying to cover up for employees misconduct, and then making up an elaborate story for why ~~they~~<sup>he</sup> came "because of my pants having slits in them) to search me, but I have a witness that can attest to him stating clearly why he came to frisk my assigned cell (because of my hairstyle etc.) no sgt gave permission ~~to~~ he may have backlogged it with sgt's permission, I'm sure of that the captain covers up for security staff, lieutenants and sgt's do the same officers police themselves and act as tyrants when ever they choose, and it captains like the Captain that the Superintendent sent to investigate that'll cover-up employee misconduct, Hes a criminal, Bias prejudice.

Actions requested

captain needs to be suspended. I request  
An employee rule book,

JAVEL FOX 12B1626

SH-12-18

Dec-18-2014

TO: Superintendent

(EX E)

Today I spoke with Dep Russo, I was spoken to like a degenerate embassit, I come to that conclusion by the tone of his expression of words. He told me to take that off let me see, you hiding it, take that off, he's referring to my religious head wear, no respect at all, furthermore he already predece- mined his ruling on what he thought my hair should be, of course, not in compliance. he spoke about the captain's decision on my hair and agreed, of course, he spoke nothing about the captain's failure to investigate and possibly covering for officers' misdeeds.

The official staff here egotistical, they have no interest in me and do not see me as a human being just a prion, officials here from what I've seen through my see each other as human and is only out to protect each others interest, no matter how much harm they cause me, superintendent is a samurai was to be housed in your prison, and he had all his hair shaved off on the side part of the top and over the back and one ponytail with a braid representing his religious

1.0067



Culture, would you keep sending officials to (Exe)  
 inspect his hair or would you make a decision  
 or Direct those of who you send to make  
 a decision based on Correction Law section  
 60(1) Right to Religion 1st Amendment, its  
 common sense that the Directive cant list  
 every ~~Hairstyle~~ / Haircut that entitles a  
 Hairstyle. the Directive Donot say my Hairstyle  
 is not permitted and NY Corr Law 60(1) allows  
 me to express my religion AS long as I'm not  
 disrupting the order of the facility or threatening  
 safety and security, I'm a true descendant of  
 the Cherokee Natives and I acknowledge Haile  
 Selassie I the first king of Ethiopia as the true  
 and living God which holds the wisdom of the past  
 that man should follow, my Hairstyle is holy  
 religious I request that you allow me to ~~express~~  
 express my religion, that's a Constitutional  
 right. Der Russo stated that if I don't  
 cut my hair or grow my hair for cause he  
 did not say that me twisting my locks was  
 Against Directive like the Captain D.O) I'm gonna  
 remain confined, who is he to disregard Correction  
 Law 60(1) or do he know it and yet he don't. He's  
 not trained properly. However He should know the  
 Constitution and Der Russo is clearly violating my  
 Constitutional Right. Action requested: to be Allowed to  
 express my beliefs and reflect the consciousness that  
 annuire under the U.S Const N.Y's state

SM 12-18

17-20 14

$$(E \times E)$$

Grievance No.

Eastern Correctional Facility

On 12/17/14 I received a MEMORANDUM from Dep Russo pertaining to our meeting on 12-16-14.

Russo pertaining to  
Dep Russo is falsifying documents intentionally,  
Dep Russo on above date at the lobby of  
South hall he conspired with a female officer  
and concocted the lie at that time that states  
my hair was ~~only~~ in a braided style that forms  
pockets. As the Dep of security he's competent  
at crafting memos for his higher official  
that use the rules to punish me at the  
expense of him falsifying documents. because  
a picture was taken of my hair the same  
day we spoke, that will prove Dep Russo is  
a liar, criminal and has no integrity.

Action Requested:

I want to file criminal charges in this matter. Equal protection of the law. If I break a Rule or the law I'm immediately punished, these officials such as Rep Russo need to be criminally investigated and punished after the fact findings to deter future behaviors like falsifying documents to lie for peers and to lie and sweep under the rug official mission. This is 0069 on a inmate.

FORM 2178 (12/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

**APPEAL FORM TO THE SUPERINTENDENT  
VIOLATION (TIER I) AND DISCIPLINARY HEARINGS (TIER II)\***

EASTERN DISTRICT  
SUPERINTENDENT'S OFFICE

(EXP)

Name: JAVELL FOX 2014 DEC 18 AM 8 35 DIN: 1281626  
Housing Location: South Hall 12-18 eastern Correctional Facility

I wish to appeal my ☐ Tier I ☒ Tier II hearing completed on 12/17/14

**STATE SPECIFIC GROUNDS FOR APPEAL:** excess penalty, cruel and unusual punishment, no evidence to impose penalty.

on 12-17-14 I was given 30 days keeplock, loss of rec, loss of commissary, loss of packages, and loss of phones. for excess/ altered clothes 113.20. for one I did not get the pants that were in my possession that had a belt that was not even a quarter inch, in the waistband and I was also charged \$44.32 for the 4 pants. since I did not receive the pants from this facility, hearing officer can not prove that I altered/damaged them. also 30 days of keeplock and loss of all privileges plus \$44.32 restitution for damaged used pants that hearing officer did not prove I damaged is cruel and unusual punishment. I request that the penalty of 30 days keeplock and loss of privileges as be reversed and the restitution of \$44.32 be deposed. also I stated on the record that I received those pants the way they were used from Auburn State Shop, and this disposition is cruel and unusual punishment.

\*NOTE: Tier I appeals must be submitted within 24 hours of hearing.  
Tier II appeals must be submitted within 72 hours of hearing.

\*\*\*\*\*  
**SUPERINTENDENT'S REPLY**

Your appeal of the Tier II Hearing conducted on 12/17/14 has been reviewed by me. The decision of the hearing officer is hereby:

☒ Affirmed☐ Reversed☐ Modified

[Signature] DSS  
(Superintendent or Designee)

12/25<sup>3</sup>/14  
(Date)

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN NY CORRECTIONAL FACILITY

TO: Fox, Javell 12B1626  
FROM: Diane Labbate, Steward  
SUBJ: Legal Postage Advances  
DATE: 12/23/14

*D. Labbate*

(Ex 6)

As per Directive 2788, justification is required to approve the attached postage advance forms. Your requested advance and balance of unpaid previous advances for legal mail exceed \$20.00. Exceeding the \$20 limit shall only be approved if you can show by court rules, a statute of limitations, or other legal deadline applicable to your individual circumstance that the legal mail must be sent prior to receipt of the next week's free postage allowance. Until your legal mail advances fall below \$20, please continue to provide this documentation for all future requests in order to expedite the approval process.

CC: file

EASTERN NEW YORK CORRECTIONAL FACILITY  
CORRESPONDENCE UNIT

Name: Fox, Javell Din: 12B1626 Loc: 12-18  
 Date: 12/23/14 (EXG)

This piece of mail is being returned to you in accordance with Directives #4421 and #4422.

- \* Inmate to inmate mail, business mail, and Free Matter for the Blind mail must be submitted unsealed.
- \* All mail to other inmates must be approved in advance by your Counselor.
- \* Your name, din, and Eastern New York Correctional Facility must appear on the front and back of your envelope.
- \* You are allowed to mail 5 Free Legal Letters or a total allotment of \$2.40 per week. Any legal mail submitted after you have used your weekly allotment will be returned to you for stamps or a disbursement form. During this week, you used a total of \_\_\_\_\_ in free legal postage.
- \* Name or address on this legal mail is not listed in the New York Lawyers Diary and Manual, please send verification that this is in fact a legal address.
- \* When using an Advance Authorization Form #2078, an original Disbursement Form #2706 must also be attached.
- \* Disbursement Form or Advance Form is not allowed to be used for 49 cents postage – use a stamp.

You need to add \_\_\_\_\_ postage or a disbursement form.

- \* Your GED/ High School Diploma/ Transcript has arrived and has been forwarded to the Academic Office.
- \* Your study correspondence program information from \_\_\_\_\_ has arrived and has been forwarded to the Academic Office for review.
- \* The following has arrived at this facility for you and has been sent to the Inmate Records office for placement in your personal property:
 

<input type="checkbox"/> Social Security Card	<input type="checkbox"/> Certificate
<input type="checkbox"/> Driver's License	<input type="checkbox"/> Birth Certificate
<input type="checkbox"/> Marriage License	<input type="checkbox"/> Other
- \* This company is on our current Disapproved Vendor List (list can be viewed in the Library)

JAVELL FOX 12B1626 SH 12-18

(EX 6)

December 23, 2014

GRIEVANCE NO.

## EASTERN CORRECTIONAL FACILITY

On December 24 I received a letter from Diane Labbate, steward dated December 23 2014, making me aware that she could not send out my legal mail with Advanced Disbursement because I'm over my Allowed Advance which is 20.00 per Directive 2788 so she claims. However I sent off legal mail ~~granted~~ ~~out~~ on December 17, and the 18, 1, to the Governor, 2 to prison legal services, 3 to Commission of corrections, 4 to Appellate Division Fourth Department, 5 to Peter J. DiGiorgio Attorney at law, 6 District Attorney, and 4 miscellaneous mail to friends and family to make them aware of the abuse that been inflicted on me at this facility, and a week later she is informing me that it can't be mailed out, and on top of that my legal mail have not been returned to me yet (I'm furious) this is the second deadline that I've missed because of this lazy untrained inconsiderate mail room. I'm being denied access to the court, and I believe the mailroom is conspiring with officials to stop and stephane me from getting mail out reporting this facility.

Javell Z

Action Requested

In the future there should be no reason a indigent inmate should have to send out a disbursement if there is no money to disburse, this is common sense. An advance disbursement is the proper disbursement for a indigent, advance loan etc. and the mailroom they get it, and if there not I mail with 0073 and still hold my mail

TO: Diane Labbate, steward

From: Javell Fox, 1281626, SH 12-18

Date: 12-25-14

(EX. G)

I received your letter dated 12-23-14, I sent you majority of the Advance forms and mail last week, around the 17<sup>th</sup> and 18. First off, by you just holding my mail you are slowing up my access to the court, legal support and to Statesmen, 2<sup>nd</sup> of all if you weren't gonna mail out my mail why are you holding it? and why are you waiting so long to inform me? send me my mail, you should get this letter from me on 12-26-14 which is Friday at 10:00 AM on or around, when you put the mail together to send to the population please add my mail with it. this is the second deadline I have missed because your office is not processing or returning my mail in a expeditious manner.

MAIL THAT NEED TO BE RETURNED TO ME TODAY 12-26-14 ARE AS FOLLOWS:

- 1 Appellate Division Fourth Department Rochester N.Y
  - 2 Peter J Ditiongio, Utica New York
  - 3 Oneida County District Attorney, Utica N.Y
  - 4 Prison Legal Services, Albany New York - (Manilla envelope)
  - 5 Governor Andrew Cuomo N.Y N.Y - (Manilla envelope)
  - 6 Commissioner of Corrections, Albany N.Y (Manilla envelope)
  - 7 Tene Garcia, Middletown N.Y
  - 8 Javell Fox Jr (Ico Sylvia Smith) Rome N.Y
  - 9 Talibra Harrison, Bronx N.Y
  - 10 Bradi Miyummi, Monticello N.Y
- I Have returned to Southall (12-18) so please send my mail there,

CC File



## STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

## EASTERN NEW YORK CORRECTIONAL FACILITY

PO BOX 338  
30 INSTITUTION ROAD  
NAPANOCH, NEW YORK 12458  
(845) 647-7400

(EX 41)

TO: Housing Unit Officer

FROM: Medical Health Unit: Dr. Lerman (RN/MD/DDS)

SUBJECT: MEDICAL LIMITATIONS

DATE: 6/26/14NAME: FOX, J DIN: 1421436☐ Inmate should remain in his cell:☒ Shower on block per block routine. x 1 month (6/26/14 - 7/26/15)☒ No strenuous exercise or competitive physical sports. x 1 month (6/26/14 - 7/26/15)☐ Move to Flats/First Tier.☐ No lifting more than \_\_\_\_\_ lbs.☐ No work.☐ May return to work and full program.☐ Bottom bunk only. ☐ No double bunking.☒ Permit for medical appliance:TO RETURN APPLIANCE BY: 7/1/15☒ Others: No program x 1 month (6/26/14 - 7/26/15)

Duration: Date From: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Signature of Inmate

Note: This pass shall be rescinded if inmate is found to participate in activities or sports not consistent with the pass. All passes expire on stop date. Renewal of pass shall be granted solely on the basis of medical condition.

I have verbally demonstrated understanding of the above to health care provider listed above.

Distribution: White - Medical Record  
Green - Program Assignment  
Pink - Housing Unit Officer  
Yellow - Yard Sergeant  
Gold - Inmate

JAVELL FOX 12B1626 December 26, 2014 South Hall 16-4

Superintendant's  
Grievance (EXI)

# EASTERN CORRECTIONAL FACILITY

Superintendent failed to investigate Dep of security and security captain for failure to investigate official misconduct, superintendent allowed officer cruz to abandon his post, he allowed officer Williamson and officer wright to frisk me without approval from their supervisor he also allowed these same set of officers or rather officer Williamson to frisk my cell without permission from his supervisor, all because of my HAIR. Lt Madison and officer cruz conspired this whole ordeal a week prior to its occurrence. I have a witness that attest to this. Superintendent allowed me to get an affirmed decision by DSS Russo who I wrote a grievance on and out of retaliation he affirmed my penalty of 30 days keeplock, 30 days loss of rec, 30 days loss of phones, and 30 days loss of package. Superintendent is allowing officers and higher officials to pressure me into cutting my Mohawk, with locks in it, which is properly groomed and a symbol of my Native American Heritage, and Rastafarian belief protected under the Constitution and NYCORR law 610, superintendent is also allowing for me to be held Double Jeopardy, on Lt name Simmons found my Dread Hawk/Bear Hawk to be in compliance and I got to misbehavior report for the same thing. Superintendent also is not assuring that the facility is safe while I'm on keeplock I had to climb a chair to get my breakfast lunch and dinner,

(Ex G)

EASTERN NEW YORK CORRECTIONAL FACILITY  
PO BOX 338  
NAPANOCH, NEW YORK 12458

MEMORANDUM

TO: FOX, J 12B1626 12-18

FROM: E. Jennings, Inmate Records Coordinator I

DATE: December 26, 2014

RE: Legal Mail

Attached you will find 3 letters which have disbursements and advances attached. Please be advised that these letters do NOT fit the criteria of Legal Mail. Therefore, you need to supply stamps.

3 letters were returned however all of my legal mail is still being held pertaining to the violations of this facility and its officials, this is not right.

/emj

cc: file

arrived to medical hospital in the facility. Given steroids  
 not to walk, and hospitalized in infirmary for 3 days  
 from the 23<sup>rd</sup> of December to the 26<sup>th</sup> of December  
 and now I walk with a cane, because Eastern Correctional  
 cells at South Hall where I lock are not fit for keep-  
 lock and After I got out of Hospital they put me  
 right BACK in South Hall, where now I have to wait a  
 hour for officers to open my cell so my food is  
 cold when I get it. Superintendent in my opinion  
 is coercing the mailroom not to send out my mail  
 because I have been trying to write you and the  
 Governor and the Mailroom has been holding the mail  
 for 2 weeks, so I have to write you in some one  
 else's name to assure you get the mail along with  
 the Governor.

Amell 34

### Action Request

I request that an investigation be held  
 about this matter and that officers get suspended  
 and Captain and Dep Rusto as well as Superintendent,  
 and I wish to press charges on the mail room, officers  
 Captain Dep and Lieutenant and if Superintendent  
 gave the order for my mail to be held I want to press  
 criminal charges on him as well, and I would you to  
 order this facility and any other facility to leave  
 me alone about my mohawk hairstyle, it is not  
 a risk to the order of a facility or safety and  
 security and it is my culture and religious right  
 under the constitution of the state of New York  
 and the United States. (let my mohawk fly)

FORM 2171B (1/12)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Side 2

EASTERN

Correctional Facility

(EXJ)

## INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

1. NAME OF INMATE (Last, First) ♦ NOMBRE DEL RECLUSO (Apellido, Nombre)	NO. ♦ NUM.	HOUSING LOCATION ♦ CELDA
FOX, J.	12B1626	S.H. 12-18
2. LOCATION OF INCIDENT ♦ LUGAR DEL INCIDENTE	INCIDENT DATE ♦ FECHA	INCIDENT TIME ♦ HORA
OUTSIDE MESS HALL #1 / CELL 12-18	12-7-14	approx. 11 <sup>25</sup> AM
3. RULE VIOLATION(S) ♦ VIOLACIONES		
106.10-DIRECT ORDER		
113.20-ALTER STATE CLOTHING		
116.10-DESTROY OR DAMAGE STATE PROPERTY		
4. DESCRIPTION OF INCIDENT ♦ DESCRIPCIÓN DEL INCIDENTE		
<p>ON THE ABOVE DATE AND APPROXIMATE TIME, C.O. WILLIAMSON AND MYSELF CONDUCTED A RANDOM PAT FRISK ON INMATE FOX 12B1626 OUTSIDE OF MESS HALL #1. UPON REMOVAL OF HIS HEAD COVERING IT WAS DISCOVERED HE HAD AN UNAUTHORIZED HAIR STYLE OF A MOHAWK WITH DREAD LOCKS. THIS IS IN VIOLATION OF DIRECTIVE 4914-INMATE GROOMING STANDARDS III-B-2-a.h. UPON FURTHER INVESTIGATION IT WAS DISCOVERED THIS INMATE HAD PREVIOUSLY BEEN ORDERED TO FIX HIS HAIRSTYLE BY LT. MADISON. THIS ORDER HAS YET TO BE OBEYED. DURING A SUBSEQUENT CELL SEARCH OF FOX'S CELL, AUTHORIZED BY SGT CONNER, INMATE WAS FOUND TO BE IN POSSESSION OF 4 PAIRS OF STATE PANTS THAT HE HAD ALTERED BY PUTTING A SLIT IN THE WAIST BAND CREATING A POCKET. PANTS WERE CONFISCATED AND BROUGHT TO WEST WING COURT. VALUE OF PANTS IS \$11.00 PER PAIR. AREA SUPERVISOR NOTIFIED. INMATE FOX PLACED IN KEEP LOCK STATUS.</p>		
REPORT DATE ♦ FECHA	REPORTED BY ♦ NOMBRE DE LA PERSONA QUE HACE EL INFORME	SIGNATURE ♦ FIRMA
12-7-14	J. WAUGH	
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ♦ ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay)		TITLE ♦ TÍTULO
SIGNATURES: 1.		C.O.
FIRMS: 1.		
2. _____		
3. _____		

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INMATE 12/8/14 7<sup>52</sup> NAME AND TITLE OF SERVER JOSEPH MANT  
 FECHA-HORA DADO AL RECLUSO \_\_\_\_\_ NOMBRE Y TÍTULO DEL QUE ENTREGA \_\_\_\_\_

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaración hecha por usted como respuesta al cargo o la información derivada de ella en una demanda criminal.

## NOTICE ♦ AVISO

## REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. ♦ Por este medio se le notifica que el informe anterior es un cargo formal el cual se considerará y determinará en una audiencia a celebrarse.

The inmate shall be permitted to call witnesses provided that so doing does not jeopardize institutional safety or correctional goals. ♦ Se le permitirá al recluso llamar testigos con tal de que al hacerlo no pondrá en peligro la seguridad de la institución o los objetivos del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make a statement on the need for continued prehearing confinement. ♦ Si está restringido a una audiencia por este informe de mal comportamiento, puede

0079

12/08/14  
DCP004STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1  
DISCIPLINARY HEARING DISPOSITION RENDERED

EASTERN GEN

TAPE NUMBER

14-202  
14-2010

(EXJ)

DIN: 12B1626 NAME: FOX, JAVELL

LOCATION: SH-12-018

INCIDENT DATE &amp; TIME: 12/07/14 11:25 AM TIER 2

REVIEW DATE: 12/08/14 BY: LT SCHOEP

DELIVERY DATE &amp; TIME: 12/08/14 07:54 AM BY: CO OSTERHOUDT

HEARING START DATE &amp; TIME: 12/11/14 10:07A BY: LT Simmons

HEARING END DATE &amp; TIME: 12/17/14 9:55A BY: LT Simmons

CHARGE NUMBER	DESCRIPTION OF CHARGES	REPORTED BY	DISPOSITION
113.20	EXCESS/ALTERED CLOTHES	CO J WAUGH	G
106.10	REFUSING DIRECT ORDER		NG
116.10	PROPERTY DAMAGE OR LOSS		NG

ANY GUILTY DISPOSITION WILL RESULT IN A MANDATORY DISCIPLINARY SURCHARGE IN THE AMOUNT OF FIVE(\$5.00) DOLLARS BEING ASSESSED AUTOMATICALLY AGAINST THE INMATE.

PENALTY CODE	DESCRIPTION	PENALTY MO DAYS	START DATE	RELEASE DATE	SUSPEND MO DAYS	DEFERRED RESTITUTION MO DAYS	**** . **
B	RL	30	12/7/14	1/6/15			
D	LOR	30	12/7/14	1/6/15			
F	COMM	30	12/7/14	1/6/15			
E	REGS	30	12/7/14	1/6/15			
G	PHONES	30	12/7/14	1/6/15			
IC	SPEE E	30	12/7/14	1/6/15			

1000 CONFISCATION

1000 Restitution

4 PAIRS OF STATE PANTS

0080

44.32



12/08/14  
DCP004

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 2  
DISCIPLINARY HEARING DISPOSITION RENDERED

(EXJ)

DIN: 12B1626 NAME: FOX, JAVELL

HEARING DATE: 12/17/14

A. STATEMENT OF EVIDENCE RELIED UPON:

THE WRITTEN MISBEHAVIOR REPORT AND  
THE EVIDENCE PRESENTED SHOWING SMALL  
CUTS IN THE WAISTBAND OF YOUR PANTS NEAR THE  
FASTENER.

B. REASONS FOR DISPOSITION:

TO IMPRESS UPON YOU AND THE POPULATION  
THAT YOU MAY NOT ALTER/DAMAGE STATE ISSUED  
ITEMS.

C. SPECIAL INSTRUCTION ON CORRESPONDENCE RESTRICTIONS AND REFERRALS

I HAVE RECEIVED A COPY OF THIS HEARING DISPOSITION DATED: 12/17/14

HEARING OFFICER SIGNATURE

X JAVELL 21, 12/17/14 955/A  
INMATE SIGNATURE

DATE & TIME RECEIVED

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING APPEAL PROCEDURES:

FOR TIER II HEARINGS-APPEAL TO SUPERINTENDENT WITHIN 72 HOURS.

FOR TIER III HEARINGS-APPEAL TO COMMISSIONER WITHIN 30 DAYS.

\*\*\*SUCCESSFUL PRINT COMPLETION\*\*\*



OVERALL FOX 12B1626 SH-12-18

(Exhibit K)

DATE: December 25, 2014

Grievance NO,

EASTERN CORRECTIONAL FACILITY

On December 23, 2014 SGT Bey sent officer Cotton to my Assigned in Southhall 12-18 to bring me downstairs to speak with me, at that time The Officer Whom I don't know his Name Aggressively Frisked me while Sgt and Officers stood around in an intimidated fashion. on this day after the frisk was complete Sgt Bey told me that I have a week to cut my hair or I'm gonna get a Tier 3 Ticket, I don't know How that's possible, to get a tier 3 ticket for something that doesn't have to do with safety and security. Sgt Bey also made me aware that his superiors sent him.

Amell Y

Action Requested

To stop being Harassed, and my constitutional rights to freedom of religion be respected, I also gave the Superintendent Notice of my constitutional rights, so officers can't claim negligence, they will answer and argue and be held liable in there personal competency. I request that Superintendent also pass this notice to officers. AND for no officers 00821 SHANKS/weapons, drug, or

JAWELL Fox 12B1626 - SH Hall 12-18

December 25, 2014

(EXL)

Grievance No.  
EASTERN CORRECTIONAL FACILITY

I informed officers, several officers that I cant get my food through the bottom slot, the feed up tray wont fit, and I asked to be moved to different cell, OR if they could open the door and pass me the tray, they tell me they gonna look into it, in order to get my food I had to climb a chair then put my foot on the gate to grab it through the top like a monkey, some officers even watched in amusement like officer Henry and Officer cotton.

On December 23, I climbed to get my tray (As I had to do for the past 16 days plus 3 day prior) and AS I pulled the tray through the top I slipped hit my head and pulled my sack out of place, I am now admitted in the Hospital and have been given a can to walk, I'm in excruciating pain, All because officers are lazy, incompassionate, not properly trained and have superiority complexes, and cell is not fit for keeplock.

Jawell 2

Action Requested

That officers open my cell if I return to SH 12-18, and that in the Alternative I be moved somewhere where I could get my keeplock trays normal and dont have to climb.

JAVELL FOX 12B 526 S.H. 12-18 12/18/14  
 Eastern Correctional Facility, P.O. Box 332, Narbonne NY 12458  
 to: Superintendent, Commissioner, Attorney General, Governor

U.S. CONSTITUTION 1<sup>st</sup> Amendment and  
 NEW YORK STATE CONSTITUTION: "NOTICE"

Congress shall make no law prohibiting the exercise of religion. therefore my hairstyle is a exercise of that law guaranteeing me a right to freedom of Religion, that can only be limited in the Department of Corrections if it poses a threat to security, safety or the order of the facility. my hairstyle poses no threat to safety or security or the order of the facility, so if any officials infringe on my right to exercise my religion through the expression of my hairstyle these officers or officials will be held to proceed in answer and argument in there official capacity for not being trained properly and made aware of the right to prisoners, N.Y. corr. law 60(1) under the constitution, period! but primarily in regards to Freedom of religion practice, exercise and expression. They will also be held to answer and argue in there personal capacity, I am making you aware of my right, any further violations there of is intentional infringement. you are the principle, you have been notified, notice to the principle is Notice to the Agent - Amaker v. Govrd, 2012 (W.D. N.Y. Aug 16, 2012).

Javeil Fox 12B 26 SH-12-18  
 EASTERN CORR FAC  
 P.O. Box 338  
 Wapatoch N.Y 12458

26147-14 DSS-  
 EASTERN NY C.F.  
 SUPERINTENDENT'S OFFICE  
 2014 DEC 8 AM 10 10  
 Please Inmate  
 Respond to  
 inmate

To: Superintendent

Date: 12-7-14

on 11-9-14 I was given a misbehavior report by officer skred for refusing a direct order. officer skred claimed that my hair was not in compliance with Directive 4914 of inmate grooming standards. I have locks going back and the sides of my hair cut. at the hearing held on 11-12-14 Lt Simmon found me not guilty, and per directive concluded that my haircut / hair-style was in compliance. on the ticket officer skred lied about how my hair was styled. when she saw me she said she had to because <sup>madison</sup> ~~blackson~~ gave her a order. (very unprofessional).

Lt Wilson gave me a order prior to that ticket not to braid my locks or cornrow my locks, which I promptly followed.

on December 7, 2014 officer cruz directed officer williamson to search me, where he took off my shoes and had me in my sox in the hallway. I was then sent back to my assigned cell after the search. 10 minutes later officer williamson Arrived at my assigned cell, ordered me out and began to search. he asked me if I knew why he was there, I stated no, he said that Lt <sup>madison</sup> ~~blackson~~ gave me a order and I told him, I followed it, and had a hearing for that order; and again a officer is being sent by Lt Wilson. I told officer williamson that I had a hearing and was found not guilty by hearing officer Lt Simmons. and by Law and Directive 4914 my Hair is in compliance. officer williamson stated that Lt Simmons doesn't know anything, and he dont know how things run around here. I also have witnesses that heard this statement. Lt Simmons is Black, and Lt Wilson is white, officer will-  
 so officer W0085mson and Lt <sup>madison</sup> ~~blackson~~

issue. It is no reason for me to be on keep'ck status for my hair representing my culture and in compliance with Directive. I also Request not to be setup with Drugs or weapons or positive urine test or Assault by officers. I don't use Drugs, or sale Drugs, I don't make weapons or use weapons, I'm not violent. these are tactics officers use to punish inmates for using the Grievance system. its not far fetched, for my ticket being dismissed I been Harassed for a month by officers, now leaving in a misbehavior report for my hair again and possibly another ticket. officer cruz left his post just to Harass me I request to be Assisted in filing criminal charges against officer cruz, officer Williamson and Lt <sup>Madison</sup> ~~Redden~~. I fear for my safety at 6:15pm I was given a urine test, officers are going great lengths to punish me for no reason, just because of my hairstyle. officer Williamson even stated that he was searching my person and assigned cell because of my hair. Lt and officers are exceeding the scope of there duty to the point of gang activity. officers and Lt are also violating my right to religion by constantly forcing to remove my religious head wear just to see my hair like I'm a freak show. I'm being degraded and cruel and unusually punished. facility Grievance have been filed in this matter and a Notice of Intent is being Prepared.

CC I.G.  
CC Commissioner  
CC Attorney General  
CC Governor

20147-14

Janell Ly

I am indigent, I owe Advances for legal copys and I have a pending Surcharge therefore the facility takes 100% of my idle pay. I request An Advance from the facility to get Hygiene Products, a drinking mug (because you ordered the C.O's to Confiscate all water bottles, so now I can't get water to drink, and stamps so I could write my Relatives and the newspaper and inform them of the atrocities



26147-14

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

PO BOX 338  
30 INSTITUTION ROAD  
NAPANOCH, NEW YORK 12458  
(845) 647-7400

WILLIAM A. LEE  
SUPERINTENDENT

TO: T. Mauro, Grievance Supervisor

FROM: W.J. Webbe, Captain

SUBJECT: Grievance # 26147-14

DATE: 16 December 2014

In regards to the above mentioned grievance, I submit the following response. On 09 November 2014, Inmate Fox, J. #12B1626, received a misbehavior report for refusing a direct order (106.10). The report was processed and Inmate Fox had a hearing on 12 November 2014. The Hearing officer was Lieutenant Simmons, with the information Lt. Simmons had at the time of the hearing and the fact no witnesses to the incident were called, Lt. Simmons dismissed the charges. Lt. Simmons based his decision on the hairstyle Inmate Fox had at the time of his hearing.

\* refer to memo; webbe/fox dated 12 December 2014, pg.2 of 2, first paragraph, which states, " Your statement to me was, that the single braid hair style you had on 06 November 2014, as observed by Lt. Madison and Officer Szkred, was not the same as what you had on 09 November 2014; nor was it the same as you had on 12 November 2014, the day of the Disciplinary hearing."

As far as Inmate Fox's statement that I'm misinterpreting the directive, it is my job and responsibility to interpret and enforce the directives. Inmate fox has the right to appeal, grieve, complain and litigate, but as stated, his hair is not in compliance and his state issued pants have been altered, these are facts as clearly written in the directives and in the misbehavior reports, as well as the Employees memos.

Inmates next statements are just bizarre and shows a clear intent to attempt to bypass Department directives. he claims to be Rastafarian, yet his religion on record, as of 17 September 2014 is Nation of Islam. He then claims to be a Native American, "Cherokee" and his hair is now a symbol of his heritage. This claim is not substantiated by any documentation or record.

I never stated to Inmate Fox, if you don't cut your hair, by the time you go to your hearing, you're going to be found guilty. What I stated was, "The fact remains, you must get into compliance with directive # 4914, or a misbehavior report will be issued.

refer to memo; webbe/fox dated 12 December 2014, pg. 2 of 2, end of seventh paragraph.

Inmate Fox states he wants to be allowed to wear his "hairstyles", because of religious, heritage and personal believes, he states his interpretation of the directive. All of his "claimed" reason for his hairstyles have been addressed by the directive, each claim is covered in section 2a and 2b. Inmate Fox does not want to come into compliance with this directive and has attempted to go around it by citing every protected class and hairstyle. The fact remains, that his hairstyles are not permitted, per the directive.

Pg 2 of 2  
webbe/fox

26047-14

As for highlighting the specific parts of the directive, that was for Inmate Fox's benefit he was asked to identify specifically what his hairstyles were called and then shown where those particular hairstyles violated directive # 4914. The word "twisted" was used by Inmate Fox, not me. Inmate Fox stated to me that he had dreadlocks and that the sides were a basic cut, "short" by definition. This is a combination of two hairstyles, which is clearly delineated by Directive # 4914, heading 2, sub heading b. Refer to memo; webbe/fox dated 12 December 2014; pg 1 of 2, forth paragraph.

Inmate Fox's statement that he advised me of harassment by Officer Cruz and that I didn't care, is false. Inmate Fox's allegations have been addressed and Officer Cruz has submitted memos. Inmate Fox states, admittedly that his pants had slits in them, this is what precipitated the cell search, as well as the misbehavior report and the urinalysis request.

Inmate Fox states, that he has a witness to statements allegedly made by the Officer who searched his cell and co-signed the misbehavior report. Inmate Fox has not identified the witness, but, per directive # 4932, 253.5, Inmate Witnesses, Inmate Fox has the right to call this witness and have him testify at his hearing.

As stated in my response to Inmate Fox dated 12 December 2014, I find no instance of Employee misconduct, Inmate's claim of harassment and persecution are without merit, substance or fact. Inmate Fox needs to get into compliance with Department directives. His complaints as well as this grievance are disingenuous in nature and an attempt to circumvent Department directives to wear his Hairstyles in whatever way he chooses.





26147-14

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
EASTERN NEW YORK CORRECTIONAL FACILITY  
PO BOX 338  
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NAPANOCH, NEW YORK 12458  
(845) 647-7400

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

WILLIAM A. LEE  
SUPERINTENDENT

To: Capt. Webbe  
From: Sgt. J. Connor  
Subject: Inmate Fox  
Date: 12/18/14

On 12/7/14 during a random pat frisk Officer Williamson found a slit-cut into the waistband of inmate Fox's state pants. As a result of of Officer Williamson's findings there was a reasonable suspicion that there was contraband contained in inmate Fox's housing unit 12-18, I Sgt J. Connor then authorized a cell search of his living quarters.

Respectfully Submitted

Sgt J. Connor

A handwritten signature in black ink, appearing to read "J. Connor", written over a horizontal line.

26147-14

**Eastern New York Correctional Facility**

**Memorandum**

**To:** Captain Webb

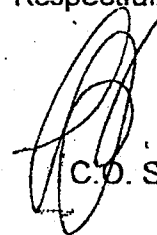
**From:** C.O. S. Cruz

**Date:** 12/16/14

**Subject:** Inmate Fox 12B1626 Grievance #26147-14

On December 11, 2014 I C.O. S. Cruz worked in South Hall running 16 company. I did see inmate Fox in the lobby being escorted by another corrections officer and all I said to inmate Fox was your keep locked (this was phrased as a question). At no time did I provoke, tease, or taunt inmate Fox. While on duty at Eastern Correctional Facility I conduct myself in a professional manner at all times.

Respectfully Submitted,



C.O. S. Cruz

26147-14



STATE OF NEW YORK

DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

PO BOX 338  
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ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

WILLIAM A. LEE  
SUPERINTENDENT

# 12B1626 Fox, J.  
SH-12-18

12 December 2014

I am in receipt of your letter of complaint dated 07 December 2014. I have requested and received memos from all identified Staff.

I meet with you on 12 December 2014, the interview took place in the computer room, located on the Guard room floor. During the interview the following items were discussed.

- 1) Directive # 4914 Grooming standards.
- 2) CORC decision, concerning "corn rows and ponytails".
- 3) The misbehavior report, dated, 09 November 2014.
- 4) Identified "Lt. Wilson" to be in fact Lt. Madison.
- 5) When you received direction from Lt. Madison and when you complied with same.
- 6) What exactly your current hair style is and what you determine it is called.
- 7) The interpretation of the wording "twisted" in directive # 4914.
- 8) Why and what exactly you meant by the statement, "I fear for my safety".

During the interview, you removed your head covering to display your current hair style, at which time I advised you that you were not in compliance with Directive # 4914. I showed you the directive and pointed out to you where the violations were. You stated to me several things. First, that the hair style you have is a dreadlock style. I indicated and showed you Directive # 4914, page 3 of 4, heading 2, sub-heading (a). "The dreadlock hairstyle is allowed. When worn, dreadlocks must extend naturally from the scalp and may not be woven, twisted, or braided together forming pockets that can not be effectively searched".

We also discussed the 08 allowable basic haircuts. You stated to me that, you had a "basic hair cut". I advised you that per directive # 4914, page 3 of 4, heading 2, sub heading (b). "Inmates may wear only one approved hair style; no combination of approved hairstyles is allowed". Your combination of a "short" haircut on the sides and "dreadlocks" on the top, constitutes a "combination" of two approved hair styles and per Directive # 4914, is not allowed.

26147-14

Pg. 2 of 2  
webbe/fox

We then discussed your concerns, based on the recent misbehavior report you received, as well as a cell frisk and urinalysis request. Your statement to me was, that the "single braid" hair style, you had on 06 November 2014, as observed by Lt. Madison and Officer Szkred, was not the same as what you had on 09 November 2014, nor was it the same style on 12 November 2014, the day of your disciplinary hearing. When asked if the hair style you had on the 9<sup>th</sup> of November, was the same as you had on this date, 12 December, you stated "yes". I then advised you that your current hair style was not in compliance, based on Directive # 4914.

We next discussed the pat frisk, as performed by Officer Williamson on 07 December 2014. Officer Williamson submitted a memo and advises, that on that date he pat frisked you and during said frisk, a small slit was discovered in the waist band of your pants, next to the snap. Officer Williamson continued the pat frisk and reported his findings to the Area Sergeant, who authorized Officer's Williamson and Waugh to perform a cell frisk. During the cell frisk the following items of contraband were recovered.

- 1) 4 – State green pants, w/ slits cut in the waistband, forming a pocket.

The items of contraband were confiscated and secured and a misbehavior report generated. You were keep locked for this infraction and as of this writing, remain keep locked pending a disciplinary hearing. Based on this information, a urinalysis request was submitted.

We spoke about your concerns for your safety and I asked you to elaborate, you stated to me that your "freedom" was in jeopardy. You further stated that because of all these recent events, you felt these incidents were escalating.

We also spoke about your religious denomination, which at the time of this writing is Nation of Islam and not Rastafarian, which you now claim to be.

I have read the memos supplied by Staff and I have looked at the documents involved, ie: misbehavior reports, frisk log/cell search log and I find no inconsistencies with good security practices. I do not find any Employee misconduct and I find no basis for your statement that you, "fear for your safety".

I do find, that while the original misbehavior report was dismissed, per Directive # 4914, your hair is still not in compliance, as stated in a recent misbehavior report dated 07 December 2014 and my interview and observation of you on today's date. While you were not charged with this infraction, the fact remains, you must get into compliance with Directive # 4914, or a misbehavior report will be issued.

As for your other allegations, I find them without merit. I advise you to come into compliance with the Directive and display a more positive attitude towards having contraband items in your possession.

2647-14

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NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES  
EASTERN NEW YORK CORRECTIONAL FACILITY

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TO: CAPTAIN WEBBE  
FROM: LIEUTENANT MADISON  
SUBJECT: INMATE COMPLAINT FOX, J. 12B1626  
DATE: 12/10/2014

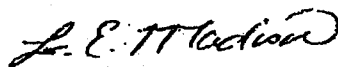
Sir:

On 11/06/2014 while on rounds I had observed inmate Fox 12B1626 in the facilities barber shop receiving a hair cut. Inmate Fox had the sides of his head shaved leaving a "MOHAWK" style hair cut on top of his head. Inmate Fox also had his hair that remained in this "MOHAWK" style cut braided in sections and joined each braided section together linking all the braids together. Inmate Fox attempted to state to me that he did not have braids, but he had "dreadlocks", with my 26 years in the department I have learned to distinguish the difference between dreadlocks and braids.

Per departmental Directive 4914 Section III REGULATIONS subsection B 2. Hair  
a. Only basic haircuts will be allowed, see attached Directive 4914. In regard to the braid that inmate Fox had woven together in one continuous braid. I had instructed Fox of the proper way that braids were to be worn, which is "corn row" style. I informed Fox that his complete hair style as he was wearing was not in compliance at all with Directive 4914. I had also indicated that if in fact he did have dreadlocks he was not permitted to weave, twist, or braid them together as per Directive 4914. I then gave Inmate Fox a direct order to put himself in compliance with Directive 4914 Inmate Grooming Standards. By inmate Fox having this type of hair style he has also changed his appearance from what his ID card indicates as having a full head of hair. Inmate Foxes failure to follow staff direction and his disregard for departmental rules and regulations is the reason he has been written any misbehavior reports.

At no time have I Harassed this inmate or any other inmate at no time have I violated this inmate's religious right. The fact that Lt. Simmons is black and that I am white has no bearing on me performing my job. At no time have I continued to send Officers to this inmate's cell to harass him. I conduct myself in a professional manner at all times always maintaining care, custody, and control as well as being firm, fair, and consistent.

Respectfully Submitted,



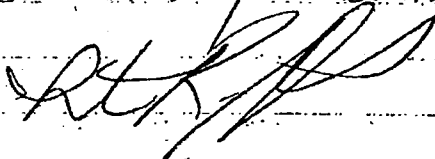
Lt. E. Madison

26047-14

TO CAPT WEBBE  
FM LT SIMMONS, DISCIPLINARY  
SUBJ LTR OF COMPLAINT  
DATE 12/11/14

RE LTR DTD 12-7-14 (12B1626 FOX)

ON 11/12/14 I CONDUCTED A TIER II  
HEARING ON 12B1626 FOX FOR AN INCIDENT DATE  
OF 11/9/14, CHARGING 106.10 REFUSING DIRECT ORDER.  
UPON VIEWING THE INMATE AT THE HEARING AND  
REVIEWING DIR 4910 4914, I DETERMINED THAT HIS  
HAIR STYLE WAS WITHIN THE GUIDELINES AND FOUND  
HIM NOT GUILTY OF THE CHARGE.

RESPECTFULLY SUBMITTED  


ENCL



2647-14

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

PO BOX 338  
30 INSTITUTION ROAD  
NAPANOCH, NEW YORK 12458  
(845) 647-7400

WILLIAM LEE  
SUPERINTENDENT

To: Lt. Madison  
From: C.O. J.Szkred  
Date: 12/11/14  
Re: Misbehavior report on Fox, Javell #12B1626

On Thursday, November 6, 2014 at approximately 12:45PM, I correction officer Szkred counseled inmate, Fox #12B1626 about his hair style not being in accordance to the grooming standards in directive #4914. Inmate Fox had a Mohawk styled cut with one braid from front to back and the sides were shaved, in the back of his head at the bottom of his single braid there were multiple strands of braids hanging loose. It was clearly a designer hair style.

On November 9<sup>th</sup> of 2014, I had followed up on inmate Fox to find, he did not comply and wrote him a misbehavior report for disobeying a direct order at which time he was placed in keep lock status and area Sgt. was contacted.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "J. Szkred", followed by the initials "C.O." in a larger, bold script.

Correction Officer, J. Szkred



26047-14

## Eastern New York Correctional Facility

### Memorandum

To: Lt. Madison

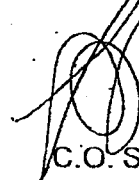
From: C.O. S. Cruz

Date: 12/10/14

**Subject:** Inmate Fox 12B1626 - Complaint

On December 10, 2014 I C.O. S. Cruz was working in West Wing as the #2 officer. When inmate movement is going on I stand in the West Wing corridor. During the afternoon chow run C.O. Williamson was conducting random pat frisks by mess hall #1. I did not tell C.O. Williamson to pat frisk inmate Fox 12B1626. I stood behind C.O. Williamson while he conducted the pat frisk. At no time have I done any of these allegations that inmate Fox has stated nor have I threaten, harassed, or verbal abused inmate Fox. While working at Eastern Correctional Facility I conduct myself in a professional manner at all times.

Respectfully Submitted,



C.O. S. Cruz

Pg (1)

26147-14

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NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES  
**EASTERN NEW YORK CORRECTIONAL FACILITY**  
NAPANOCH, NEW YORK 12458

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To: LT. MadisonFrom: R. Williamson C.O.Date: 12-10-14Re: INMATE Fox-12B1626, Complaint.

RW  
Sir on 12-07-14 I performed a random pat frisk of  
INMATE Fox-12B1626 as he exited The messhall. I performed  
a proper frisk of inmate fox. I had inmate Fox remove his  
headware, Place his hands on The wall, and step back for  
his pat frisk. I discovered a small slit in The Waistband  
of his pants next to his snap. There<sup>RW</sup> Inmates smuggle  
Contraband in places like This. I ordered inmate Fox To  
Lift his Left foot. I removed his boot and searched for Contraband.  
I placed his boot back on his foot so he could slide his  
foot back into The boot. I did The same with his right  
foot. Inmate Fox Complied with The Pat frisk, and Left  
with no incident. I reported my finding of The small slit  
in The Waistband of inmate Fox's pants, To Sgt. Connor. Sgt.  
Connor Gave me direction To Search inmate Fox's Cell.  
I ordered inmate Fox To Exit his cell, I Pat frisked

Pg-②

26177-14

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NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES  
**EASTERN NEW YORK CORRECTIONAL FACILITY**  
NAPANOCH, NEW YORK 12458

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To: L.T. Madison

From: R. Williamson Co.

Date: 12-10-14

Re: INMATE FOX 12B1626, COMPLAINT

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Fox again, I did not Escort Fox To his Cell. I Searched inmate Fox's cell. I found and Confiscated (4) pair of STATE ISSUE Green PANTS from INMATE FOX. The pants All (4) of them had a small slit in the waistband next to the snaps, and one pair also had a slit in the zipper fold. I brought all items To Sgt. Connor. The Watch Commander had been informed of all information, and Fox - 12B1626 had been placed on Keeplock status at that time. Sir I performed my duties in a professional manner, and confiscated all contraband items as per Directive 4910, Control and Search for Contraband. I at no time spoke in an unprofessional manner Towards any Supervisor during This Cell Search.

Respectfully Submitted.

R. Williamson Co.

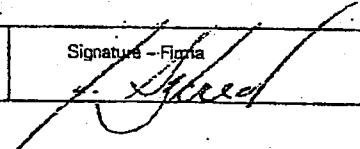

R. Williamson Co.

(1/12)

26147-14

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN CORRECTIONAL FACILITY

## Inmate Misbehavior Report - Informe De Mal Comportamiento Del Recluso

Name of Inmate (Last, First) - Nombre Del Recluso (apellido, nombre)		No. - Num	Housing Location - Celda
JX, JAVELL		12B1626	SH-12-8
Location of Incident - Lugar Del Incidente		Incident Date - Fecha	Incident Time - Hora
YARD GATE		11/9/2014	APPROX 10:30AM
3. Rule Violation(s) * Violaciones			
106.10 DIRECT ORDER			
4. Description of Incident - Descripción Del Incidente			
<p>On 11/6/14 I, Officer J. Szkred, observed Inmate Fox 12B1626 with the sides of his head shaved and 1 large braid down the center of his head. I counseled Inmate Fox and ordered him to fix his hair to be in compliance with directive 4914 Inmate Grooming Standards. On 11/9/14 I observed Inmate Fox with the same hair style and when I questioned him about it he said "I'm not going to change my hair". Inmate Fox admitted that he is going to continue to defy the rules set forth in directive 4914. Area Sergeant Fassetta was notified and Inmate Fox was placed on keeplock status. It should be noted that Inmate Fox has been counseled for the same infraction by numerous security staff in the recent past, including Lt. E. Madison on 11/6/14.</p>			
Report Date - Fecha			
11/9/2014			
Reported by - Nombre De La Persona Que Hace El Informe		Signature - Firma	
J. Szkred			
Title - Título		C.O.	
5 Endorsements of other employee witnesses (if any)		Signatures:	
Endosos De Otros Empleados Testigos (si hay)		Firmas	
2		1	
		3	
Note: Fold back page 2 on dotted line before completing below			
6. Were other inmates involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give name & #			
7. At the time of this incident, was inmate under prior confinement/restriction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or			
As a result of this incident, was inmate confined/restricted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
8. Was inmate moved to another housing unit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, (a) current housing unit		(b) Authorized by	
9. Was physical force used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if yes, file form 2104)			
Area Supervisor Endorsement 			

JRM 2171A (1/12)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

28147-14

Page 1

EASTERN

Correctional Facility

## INMATE MISBEHAVIOR REPORT + INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

NAME OF INMATE (Last, First) + NOMBRE DEL RECLUSO (Apellido, Nombre)	NO. + NUM.	HOUSING LOCATION + CELDA
Fox, J.	12B1626	S.H. 12-18
LOCATION OF INCIDENT + LUGAR DEL INCIDENTE	INCIDENT DATE + FECHA	INCIDENT TIME + HORA
OUTSIDE MESS HALL #1 / CELL 12-18	12-7-14	approx. 11 <sup>25</sup> AM
RULE VIOLATION(S) + VIOLACIONES		
106.10 - DIRECT ORDER		
113.20 - ALTER STATE CLOTHING		
116.10 - DESTROY OR DAMAGE STATE PROPERTY		
DESCRIPTION OF INCIDENT + DESCRIPCION DEL INCIDENTE		
<p>ON THE ABOVE DATE AND APPROXIMATE TIME, C.O. WILLIAMSON AND MYSELF CONDUCTED A RANDOM PAT FRISK ON INMATE FOX 12B1626 OUTSIDE OF MESS HALL #1. UPON REMOVAL OF HIS HEAD COVERING IT WAS DISCOVERED HE HAD AN UNAUTHORIZED HAIR STYLE OF A MOHAWK WITH DREAD LOCKS. THIS IS IN VIOLATION OF DIRECTIVE 4914 - INMATE ROOMING STANDARDS III-B-2-a,b. UPON FURTHER INVESTIGATION IT WAS DISCOVERED THIS INMATE HAD PREVIOUSLY BEEN ORDERED TO FIX HIS HAIRSTYLE BY LT. MADISON. THIS ORDER HAS YET TO BE OBEYED. DURING A SUBSEQUENT CELL SEARCH OF FOX'S CELL, AUTHORIZED BY SGT CONNOR, INMATE WAS FOUND TO BE IN POSSESSION OF 4 PAIRS OF STATE PANTS THAT HE HAD ALTERED BY PUTTING A SLIT IN THE WAIST BAND CREATING A POCKET. PANTS WERE CONFISCATED AND BROUGHT TO WEST WING COURT. VALUE OF PANTS IS \$11.08 PER PAIR. AREA SUPERVISOR NOTIFIED. INMATE FOX PLACED IN KEEP LOCK STATUS.</p>		
REPORT DATE + FECHA	REPORTED BY + NOMBRE DE LA PERSONA QUE HACE EL INFORME	SIGNATURE + FIRMA
12-7-14	J. WAUGH	[Signature]
TITLE + TITULO	C.O.	
ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any)	SIGNATURES:	
ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay)	FIRMAS: 1. [Signature] C.O. Williamson C.O.	
2. _____	3. _____	

DTE: Fold back Page 2 on dotted line before completing below.

WERE OTHER INMATES INVOLVED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	IF YES, GIVE NAME & # _____
¿HUBO OTROS RECLUSOS ENVUELTOS?	SI <input type="checkbox"/> NO <input type="checkbox"/>	DE SER SI DE LOS NOMBRES Y DIN _____
AT THE TIME OF THIS INCIDENT, WAS INMATE UNDER PRIOR CONFINEMENT/RESTRICTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
¿ESTUVO EL RECLUSO CONFINADO/RESTRINGIDO PREVIO AL INCIDENTE?	SI <input type="checkbox"/> NO <input type="checkbox"/>	
AS A RESULT OF THIS INCIDENT, WAS INMATE CONFINED/RESTRICTED?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	OR + O
¿SE CONFINÓ/RESTRINGIÓ AL RECLUSO COMO RESULTADO DE ESTE INCIDENTE?	SI <input type="checkbox"/> NO <input type="checkbox"/>	
WAS INMATE MOVED AT ANOTHER HOUSING UNIT?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
¿MUDARON AL RECLUSO A OTRA UNIDAD DE VIVIENDA?	SI <input type="checkbox"/> NO <input type="checkbox"/>	
IF YES, (a) CURRENT HOUSING UNIT _____	(b) AUTHORIZED BY _____	
DER SER SI, (a) UNIDAD DE VIVIENDA ACTUAL _____	(b) AUTORIZADO POR _____	
WAS PHYSICAL FORCE USED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (IF YES, FILE FORM 2104)	
¿SE USÓ FUERZA FISICA?	SI <input type="checkbox"/> NO <input type="checkbox"/> (DER SER SI, SOMETE EL FORMULARIO No. 2104)	

AREA SUPERVIS 0100ISEMENT

26147-14

DATE	NAME	DIN	OFFICER	TIME	CELL	AUTHOR
12-6-14	Maloussona	05A4835	Vauricka	1:30pm	15-12	DSS
12-6-14	Garcia	10A2548	Vauricka	1:55pm	16-19	DSS
12/6/14	Scott	9SA7777	SHERIDAN	7 <sup>10</sup> pm - 8 <sup>30</sup> pm	10-27	DSS
12-7-14	Fox	12B1626	Williamson	12:25pm	12-18	S.T. Combs
12-7-14	Nieves Andina	04A2998	Vauricka	1:15pm	16-14	DSS
12/7/14	Casares	10A5787	T. Sheridan	8 <sup>45</sup> pm - 8 <sup>45</sup> pm	12-17	DSS
12/8/14	Philpotts	07A5430	T. Sheridan	8 <sup>30</sup> pm - 9 <sup>30</sup> pm	11-16	DSS
12-9-14	Rogue	07A1002	Vauricka	1:35p	10-5	DSS
12-9-14	Carter	03A2664	Vauricka	2:00p	16-10	DSS
12-9-14	Bosch	02A1476	G. Fisher		13-6	DSS
12/9/14	Barnes	04A4858	T. Sheridan	8 <sup>30</sup> pm - 9 <sup>15</sup> pm	15-16	DSS
12/10/14	Swordski	09B0460	R. Flynn	1:40p	9-3	DSS
12/10/14	Tiber	01B1433	R. Flynn	2:10p	16-8	DSS
12/11/14	Rodriguez	10A0880	S. Rivera	10 <sup>30</sup> pm	13-27	DSS
12/11/14	Cancer	01A4447	S. Rivera	11 <sup>00</sup> pm	12-24	DSS
12-10-14	Adams	96A7280	B. Smith	3:10pm	16-26	DSS
12-11-14	Campos	78A6849	B. Smith	7:04pm	9-25	DSS



28147-14

97

CONTRABAND / COMMENTS

① Xtra ext. cord, ② Highlighters

NCF

① Damaged Elec. Ext. Cord, State Handsoap, State Green Scrub pad.

① Original State Green Pants, SLIT CUT in waistband and zipper Flap.

NCF

NCF

NCF — Note! I'm missing his State Winter Coat, Form 4645 submitted.

NCF

① Xtra Ext. Cord, ① Xtra car opener

② Scrub pads

NCF

NCF

③ rolls of switch tape ③ sugar packets ② large combs with handles  
① Design box 4 rubber bands ① packet of Stick on hooks

NCF


NCF

WIRES

Coffee S. THERMOS, GARBAGE BAG, MIRROR



26147-04

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p><b>DIRECTIVE</b></p>	<p>TITLE</p> <p><b>Inmate Grooming Standards</b></p>		<p>NO. 4914</p> <p>DATE 3/1/2013</p>
<p>SUPERSEDES</p> <p>DIR #4914 Dtd. 03/16/2012</p>	<p>DISTRIBUTION</p> <p>A B</p>	<p>PAGES</p> <p>PAGE 1 OF 4</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>Directive #4910</p>		<p>APPROVING AUTHORITY</p> <p><i>Joseph F. Bell</i></p>	

- I. **DESCRIPTION:** This directive establishes the basic grooming standards (including criteria for beards, mustaches, and length of hair) for inmates.
- II. **PURPOSE:** It is the purpose of this directive to ensure that inmate appearance will be regulated sufficiently to maintain accurate identification of each individual.
- III. **REGULATIONS**
  - A. **Grooming Standards at Reception:** Initial shaves and haircuts shall be required of all newly committed male inmates and returned parole violators unless exempted as set forth below. These are required for reasons of health and sanitation, as well as to permit the taking of the initial identification photograph.
    1. **Shaves:** Inmates or returned parole violators who have beards upon reception shall be permitted the option to use an electric razor, hand razor, hand clippers, or a depilatory to remove their beards.
    2. **Exemptions to Shaves:** The initial shave regulation applies to all inmates and returned parole violators, unless:
      - a. The inmate possesses a Court Order restraining the Department from such enforcement. Any inmate or returned parole violator covered by this exemption shall be classified and transferred in the standard manner and cannot be disciplined or placed in administrative segregation for their refusal to have an initial shave.
      - b. The inmate or returned parole violator professes to be of a religion that would not allow him to shave and thus refuses the initial shave based on a religious objection. The inmate or returned parole violator's objection shall be referred to the Deputy Superintendent for Reception/Classification or equivalent, who shall conduct a review and may consult with the Division of Ministerial, Family and Volunteer Services or Counsel's Office as needed, to determine if a religious exemption to the initial shave is required. The Deputy Superintendent for Reception/Classification will make a recommendation to the Superintendent who will make the final determination. If the Superintendent determines that the inmate or returned parole violator should be exempt from the initial shave, then he shall be classified and transferred in the standard manner and cannot be disciplined or placed in administrative segregation. Further, Counsel's Office shall be contacted to determine if a beard permit should be issued based on his religious objection to shaving.
      - c. The returned parole violator had a Court Order upon initial entry or a verifiable beard permit from the Department that was issued during his current term of imprisonment and there is an acceptable identification photograph of him without a beard in the Department's possession sufficient to provide an accurate identification. The Deputy Superintendent for Reception/Classification shall be responsible for verifying that the parole violator had a Court Order or beard permit during his current term of imprisonment and that the photograph of him on file is sufficient to provide an accurate identification. Any returned parole violator covered by the exemption shall be classified and transferred in the standard manner and cannot be disciplined or placed in administrative segregation for his refusal to have an initial shave.

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NO. 4614; Inmate Grooming Standards

DATE 3/1/2013

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3. Refusal to Shave: Inmates or parole violators who refuse the initial shave and do not possess a valid Court Order and do not qualify for an exemption to the initial shave shall be subject to appropriate discipline for failing to follow Departmental policy and procedures.

NOTE: Identification photographs of any inmate or returned parole violator who has an exemption to shave or has refused to have his initial shave shall be taken in accordance with the procedures developed to allow for digitally enhanced photographs. Whenever the procedure for digitally enhanced photographs is utilized, the Deputy Commissioner for Correctional Facilities shall be notified of the inmate and the reason for utilizing the digitally enhanced process.

4. Haircuts: Hair length upon completion of this initial haircut shall not exceed one (1) inch on any part of the head.
5. Exemption to Haircuts: Any reception inmate or returned parole violator who professes to be a Rastafarian, Taoist, Sikh, Native American, Orthodox Jew, or member of any other religious sect of a similar nature and refuses to have an initial haircut cannot be forced to comply with the initial haircut requirements. In addition, any reception inmate or parole violator who refuses to comply with the initial haircut regulation on religious grounds and who has a Court Order restraining the Department from enforcing the initial haircut regulation cannot be forced or ordered to comply with the initial haircut regulation.

NOTE: Any inmate or returned parole violator covered by the above exemption shall be classified and transferred in the standard manner and cannot be disciplined or placed in administrative segregation for their refusal on religious grounds to have an initial haircut.

Identification photographs of any inmate or returned parole violator who has not had their hair cut shall be taken in accordance with the following:

- For the frontal view, the hair shall be pulled back away from the face and ears.
- For the side view (profile), the hair shall be pulled back and to the side.

6. Refusal for Initial Haircut: Inmates or parole violators who refuse to comply with the initial haircut regulation and do not possess a valid Court Order and do not qualify for an exemption to the initial haircut, shall be subject to appropriate discipline for failing to follow Departmental policy and procedures. This applies even though the identification photographs were obtained with the hair pulled back.
  7. An inmate shall not be placed in administrative segregation or disciplinary confinement pending the review of his objection to the initial shave or haircut by the Deputy Superintendent for Reception/Classification or equivalent such as Deputy Superintendent.
- B. General Grooming Standards: After the initial haircut and shave, general grooming standards as set forth below are applicable to all inmates except those inmates participating in the Department's Shock Incarceration Program.

1. Beards and Mustaches: An inmate may grow a beard and/or mustache, but beard/mustache hair may not exceed one (1) inch in length unless:

NOTE: Patterns, designs or braids are not allowed.

- a. The inmate has a Court Order restraining the Department from enforcement; or

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DATE 3/1/2013

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- b. The inmate has requested and received an exemption based upon his or her documented membership in a religion which has an established tenet against the trimming of beards including, but not limited to, inmates who are Rastafarian, Orthodox Jew, or Muslim. All inmate requests for such exemption shall be referred to and reviewed by Counsel's Office after consultation with the facility Chaplain. After such review, Counsel's Office will make a recommendation to the Deputy Commissioner for Correctional Facilities. If the request is approved by the Deputy Commissioner for Correctional Facilities, a permit will be issued to the inmate.

Further, pending Counsel's Office's determination of requests for exemption from the one (1) inch rule, inmates shall not be required to cut or trim their beards, disciplined for refusing the order to shave, or subject to repeat orders to shave.

An inmate who refuses to comply with this rule will be given 14 days from the date of the written order to shave in which to request an exemption. If the inmate fails to submit a request for an exemption within 14 days, he may be disciplined for refusal to obey such order.

Copies of the written order, an inmate's request for exemption, and the exemption will be filed in the inmate's legal file.

## 2. Hair

- a. Only basic haircuts will be allowed. Only one straight part will be allowed with no other lines, designs, or symbols cut into the hair. In accordance with established barbering guidelines of the Department's Occupational Training Program, basic haircuts are defined as:

- |                                     |                     |
|-------------------------------------|---------------------|
| • Short, medium, and long           | • Butch             |
| • Short, medium, and long pompadour | • Quo vadis (bald)  |
| • Crew                              | • Afro-natural, and |
| • Flat top                          | • Elevation         |

Hair may be permitted to grow over the ears to any length desired by the inmate. The hair must be neatly groomed and kept clean at all times.

The only braids allowed are the corn row style. Corn row-braids may only be woven close to the scalp in straight rows from the forehead to the back of the neck and braids may not extend beyond the hairline. No designs or symbols may be woven into the hair.

2. The dreadlock hairstyle is allowed. When worn, dreadlocks must extend naturally from the scalp and may not be woven, twisted, or braided together forming pockets that cannot be effectively searched. Inmates wearing below shoulder length dreadlocks must tie them back in a ponytail with barrette, rubber band, or other fastening device approved by the Superintendent. Note: Inmates of the Rastafarian religious faith may wear their dreadlocks in an approved religious head covering.

See Section III-B-2-d below for inmates assigned to work near machinery or food.

- b. Inmates may wear only one approved hairstyle; no combination of approved hairstyles is allowed.
- c. Long hair is defined as below shoulder length.
- d. Inmates wearing long hair assigned to work near machinery or food shall be required to wear a hair net. Any other inmate assigned to work near food shall be required to wear either a hat or a hair net.
- e. All inmates wearing long hair will be required to have the hair tied back in a ponytail at all times with a barrette, rubber band, or other fastening device approved by the Superintendent.

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Exemption: Native Americans involved in scheduled and approved Native American cultural ceremonies do not have to comply with this restriction.

- f. An inmate may be subjected to a hair search when there is reason to believe that contraband may be discovered by such a search. An inmate may be subjected to such search at any time that a pat frisk, strip search, or strip frisk is being conducted. Consistent with Directive #4910, "Control of & Search for Contraband," during a pat frisk, an inmate will be required to run fingers through their hair. During a strip search, an inmate may be subjected to an inspection of his or her hair. During a strip frisk, an inmate will run his or her hands through the hair.
- C. Photographs: If, in the opinion of a Correction Officer or supervisor, an inmate drastically changes his or her appearance by changing the length, style, and/or color of his or her hair, or growing or shaving a beard and/or mustache, he or she will be re-photographed for identification purposes. All such re-photographs will be at the expense of the inmate.

3:56:56 Tuesday, December 09, 2014

26147-14

12/09/14 C100T1M  
10:56:23 C100N099DISCIPLINARY SYSTEM  
100 EASTERN GENERAL  
DISCIPLINARY INCIDENT SUMMARYKDCPM40  
PAGE 1  
MANUAL RECS NDIN: 12B1626 NYSID: 09387063Y NAME: FOX, JAVELL  
CURRENT FACILITY: 100 EASTERN GEN CURRENT HOUSING LOCATION: SH-12-018

-----

TIER 2 INCIDENT: 12/07/14 11:25 AM CO J WAUGH EASTERN GEN  
113.20 EXCESS/ALTERED CL 106.10 DIRECT ORDER 116.10 LOSS/DAMAGE PROP

-----

TIER 2 INCIDENT: 12/20/13 07:10 AM CO VENDITTI AUBURN GENER  
HEARING : 12/26/13 10:18 AM LT VASILE AUBURN GENER  
106.10 DIRECT ORDER 112.21 COUNT VIOLATION  
6D KEEPLOCK PACKAGE COMMISSARY SERVICE DTES 12/20/13 12/26/13  
6D PHONE SERVICE DTES 12/20/13 12/26/13

-----

NEXT DIN:

<CURSOR + ENTER> INC DETAIL  
 <ENTER> <PF3> EXIT(FUNCT) <PF7> BACKWARD <CLEAR> EXIT(SYSTEM)

ROI 9/17/2014

## **Braids & Ponytail**

26147-14

**CORC # CL-59343-09 1/47 8/31/09**

**CORC** cites its disposition CL-57214-08, dated 8/20/08, which states, in part, i.e.

**CORC** notes that the grievant was wearing his hair in cornrows, with ends loose, extending below the hairline. CORC asserts that there no provision for this hairstyle in Directive #4914

**Allow Corn Rows Past Hairline CAY-13419-03**

**CORC** asserts that braided hair which extends beyond the hairline is not allowed. The grievant may wear long, unbraided hair in a ponytail, in accordance with Directive #4914

**Change Memo on Corn Rows CX-10983-05**

The only braids allowed in Corn Row style. Corn Row braids may only be woven close to the scalp in straight rows from the forehead to the back of the neck. No designs or symbols may be woven into the hair and the corn row braids may not extent below the hairline.

**Corn Below The Neck Line SHG-21446-05 1/47**


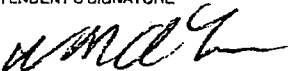
**CORC** cites Directive #4914, Section III., B., 2., a., dated 4/25/05, which states, in part, i.e.; The only braids allowed are the corn row style. Corn row braids may only be woven close to the scalp in straight rows from the forehead to the back of the neck. No designs or symbols may be woven into the hair and the corn row braids may not extend below the hairline.

**Allow Corn Rows Past Hairline 1/6/03**

**CORC** asserts that braided hair which extends beyond the hair line is not allowed. The grievant may wear long, unbraided hair in a ponytail, in accordance with Directive #4914





GRIEVANT FOX, JAVELL	CIN # 12B1626	HOUSING UNIT WW-22-004
 <b>Corrections and Community Supervision</b>  <b>INMATE GRIEVANCE PROGRAM</b>  <b>SUPERINTENDENT WILLIAM A. LEE</b>	GRIEVANCE NO. 26187-15	DATE FILED 1/15/15
	FACILITY Eastern Correctional Facility	POLICY DESIGNATION I
	TITLE OF GRIEVANCE Resolve Issues In Housing Unit (6)	CLASS CODE 23
	SUPERINTENDENT'S SIGNATURE 	DATE 3/19/15

Grievant's complaints contain multiple issues including not being issued feed-ups in a timely fashion, the block being cold, being pat frisked aggressively, having pants confiscated, not receiving a fair tier assistance and being denied a phone call.

The investigation by SGT C. included an interview of the grievant, statements by named staff and relevant documentation. Staff denied the allegations of any wrongdoing. The investigation did not substantiate the grievant was inappropriately denied anything he was entitled to nor was any malice by staff indicated.

\*\*\*Grievance is denied.

WL: AR/ tm

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign and date below and return this copy your Inmate Grievance Clerk to the IGRC Office. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C..

---



---



---

GRIEVANT'S SIGNATURE

DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

\*An exception to the time limit may be requested under D 0110, #4040, section 701.6 (g).

FOX

1261626

WV-21-793

ECF

~~26187-15~~

26187-15 TM

FORM 2131E (REVERSE) (5/12)

Response of IGRC: Please be advised that every attempt should be made to distribute feed up trays in a timely manner. Grievant should also be advised that a window renovation project is taking place at the time & the living environment in the housing unit is accommodating to minimum standard of Directive # 4009, minimum standard Provisions for Health & Morale. Grievant's other concerns are outside the purview of this committee.

Date Returned to Inmate:

2/4/15

IGRC Members:

St. B. Le. Field

Chairperson:

*[Signature]**[Signature]**[Signature]*

It was not accommodating to minimum standard, when its below weather at the time. Grievance was written, no extra tickets or heat was on. Any issue out of purview please forward to COR. Return within 7 calendar days and check appropriate boxes.\*

- ☒ I disagree with IGRC response and wish to appeal to Superintendent. any issue out of purview please forward to COR.
- ☐ I agree with the IGRC response and wish to appeal to the Superintendent.

- ☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent.
- ☐ I apply to the IGP Supervisor for review of dismissal.

Signed:

*[Signature]*

Grievant

2-5-15

Date

Grievance Clerk's Receipt

Date

To be completed by Grievance Clerk.

Grievance Appealed to the Superintendent:

Date

Grievance forwarded to the Superintendent for action:

Date

New York State Department of Correctional Services  
Eastern New York Correctional Facility  
**Memorandum**

26187-15

**TO:** Sgt. Ciorciari

**FROM:** Sgt. Leifeld

**SUBJECT:** Grievance complaint inmate Fox 12B1626

**DATE:** January 18, 2015

Sir;

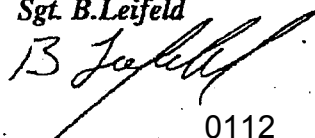
On the above date I reviewed the letter of complaint written by inmate Fox 12B1626 dated 1/8/15. In this document the inmate alleges that his meals are arriving late everyday and sometimes not at all. He claims that the food trays are being left outside his cell for nearly an hour before being given to him. Fox also made accusations that windows are left open and the block is cold.

I had an opportunity to address Fox's complaint dealing with his food trays (feed-up). On January 7<sup>th</sup> I was conducting Grievance business in South Hall when inmate Fox called me to his cell and told me that his "feed-up" is arriving late everyday. He stated that the trays are left outside his cell for nearly an hour before the Officer opens his cell door and gives them to him. I reviewed the block log book and found that the food arrives to the block and it's distributed without delay. The time may be different each day, but that has no effect on the distribution of the meal. I also spoke with the Officers that handle the feed-up and they told me that as soon as the food arrives it's handed out with the aid of an inmate porter, and this process takes less then ten minutes to complete. I find this is a reasonable amount of time to feed the keep-lock inmates in the block, which at times can be ten or more. Inmate Fox also expressed his complaint that the block was cold and he couldn't sleep because of it. The temperature of the block that day was comfortable I estimated it to be around 67 to 71 degree. South Hall is an old block and was under a window renovation project at the time of his complaint. Inmate Fox has an active medical order to remain on the ground floor (flat-order) and the company he's locking on fits that order. I moved him to a cell closer to the front of the company for security reasons; it's easier to maintain observation throughout security rounds of an inmate in a disciplinary setting if he's in the first couple of cells then the last cells of a company.

Upon conclusion to this memo I find that Fox's accusations are exaggerated, his food arrives to him in a reasonable amount of time and the living environment in the housing unit is accommodating to minimum standard of Directive #4009, "Minimum Provisions for Health and Morale".

*Respectfully Submitted*

Sgt. B. Leifeld



0112

26187-15

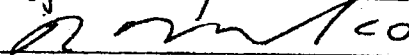
**EASTERN NEW YORK CORRECTIONAL FACILITY**

NAPANOCH, NEW YORK 12458

TO: Sgt. Ciorciari  
FROM: R. McGrath C.O.  
DATE: 1/17/15  
SUBJECT: Fox 12B1626

On January 1<sup>st</sup> 2015 I was assigned to Small Side Armory 16 company. At approximately 11<sup>03</sup> am I escorted 16 company to Mess Hall 1 for chow. The Keep lock feed-up was delivered to South Hall and distributed at approximately 11<sup>10</sup> am. I returned to South Hall from Mess Hall 1 with 16 company at approximately 11<sup>28</sup> am to conduct the count. At no time did I see a feed-up tray on the window sill on 16-4 cell or have inmate Fox 12B1626 ask me to open his cell door.

Respectfully Submitted



R. McGrath C.O.



26187-15

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

PO BOX 338  
30 INSTITUTION ROAD  
NAPANOCH, NEW YORK 12458  
(845) 647-7400

WILLIAM A. LEE  
SUPERINTENDENT

TO: P. Sullivan, Lt.

From: A. Ciorciari, Sgt.

RE: Fox 12B1626 complaints

Date: 1/26/15

Sir,

On 1/15/15, I was given a series of complaints to investigate that were written by inmate Fox 12B1626. I spoke with this inmate at his cell 16-2 on 1/16/15 regarding his multiple complaints. Inmate Fox stands by his complaints as factual, offering no evidence or any further information pertaining to his complaints. Inmate Fox alleges that he was subjected to an aggressive pat frisk while a Sergeant and officers watched in an intimidating fashion. He alleges he wasn't being issued his keeplock feed-up meals properly. He alleges his state green pants were taken and he was issued pants several sizes too big. He alleges the block is freezing cold and its unbareable for him to sleep, and he also alleges that while being provided with assistance, his assistant didn't get paperwork for him and was bias and prejudice against him.

I spoke with Sergeant Bey, Officer VanAken, and Officer Cotton in regards to this inmates complaint about being subjected to an aggressive pat frisk while Officers watched in an intimidating fashion. Sergeant Bey informed me he went over to South Hall to interview this inmate. He directed Officer Cotton to remove this inmate from his cell and escort him downstairs. Once downstairs, he directed Officer VanAken to pat frisk this inmate. Officer VanAken performed a routine pat frisk on inmate Fox. That pat frisk was done in accordance with directive 4910. Sgt. Bey did not observe an aggressive pat frisk, nor did he witness or partake in anyone standing around in an aggressive fashion. I spoke with Officer Cotton regarding this matter and he stated to me that he was directed by Sgt. Bey to escort this inmate from his cell downstairs to be interviewed. He also stated that he did not witness an aggressive pat frisk, nor did he see anyone standing around in an aggressive manner. I spoke with Officer VanAken pertaining to this complaint and she stated to me that she did conduct a routine pat frisk on inmate Fox under the direction of Sgt. Bey. She stated she conducted a routine pat frisk and no time performed an aggressive pat frisk. She also stated that she did not observe anyone standing around in an aggressive manner.

I spoke with Sgt. Leifeld, and Officers R. McGrath and B. Cotton regarding his complaint about not being issued his keeplock feed-ups properly. Sgt. Leifeld stated to me that while he was in South Hall on grievence business, this inmate called him to his cell and told him about his complaints. Sgt. Leifeld reviewed the logbook in the block and found that the food arrives to the block and is distributed without delay. Sgt. Leifeld also explained to me that South Hall was under a window renovation project at the time of the inmates allegations. I spoke with Officer McGrath and he stated to me that while he was performing his duties on 16 company he has never witnessed a feed up tray on the window sill of this inmates cell, nor has this inmate ever asked him to open his cell door. I spoke with Officer Cotton who explained to me that he assists with the distributing of the feed up trays. He told me if the cell has no feed up slot, he opens the cell door and hands the tray to the inmate. He stated he never seen inmate Fox attempt to get his tray through the top of his window.

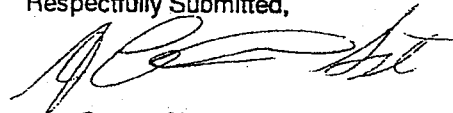
I spoke with Officer R. Williamson in regards to the inmates allegations of having his state green pants taken from him. Officer Williamson explained to me that he confiscated 4 pairs of state green pants from this inmate he found during a cell sear 0114ie inmate had altered his pants by cutting slits in

the waistband of his pants. The inmate was written a misbehavior report for these pants. He then issued the inmate 2 pairs of state green pants that were the same size as the ones he had confiscated.

I spoke with vocational instructor Bracken regarding this inmates allegations of being denied assistance. He stated to me he met with this inmate and gave him the items his requested. He also told me that the inmate asked for material that the assistant isn't required to provide per directive 4933, therefore he did not provide the inmate with such material. He stated he didn't act in a bias or prejudice manner to this inmate.

Based on my investigation, information retrieved from the block log book, and staff memorandums, I find no evidence to substantiate this inmates allegations on any of his complaints. All staff involved conducted themselves in a professional manner at all times while dealing with this inmate. Due to the fact this inmate was issued several misbehavior reports pertaining to his complaints, I believe all of these complaints are in retaliation for the misbehavior reports written. Lastly, I find these complaints to be baseless and without any merit.

Respectfully Submitted,



Sgt. A. Ciorciari

7618715



STATE OF NEW YORK

DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

PO BOX 338  
30 INSTITUTION RD  
NAPANOCH, NY 12458  
(845)647-7400

A. Annucci  
Commissioner

W. Lee  
Superintendent

TO: Lt Sullivan

FROM: Sgt. Bey

SUBJECT: Fox 12B1626

DATE: 01/23/2015

On December 23 2014 at 12:15 pm I reported to South Hall per direction of Capt Webbe. I directed Officer Cotton to remove inmate Fox 12B1526 from his cell 12-18 and escort him down stairs so I could interview him by the South Hall storage area. Upon his arrival downstairs I directed Officer Van Aken to Pat Frisk inmate Fox prior to initiating my interview. I observed a routine Pat Frisk conducted by Officer Van Aken. At no time did I witness or partake in any aggressive frisk. At no time did I witness or partake in anyone standing around in an intimidating fashion. After the pat frisk was complete I sent the officers back to the Officers Station so I could conduct my interview with inmate Fox in private. I performed a visual inspection of his hair on his head. I observed that inmate Fox was not in compliance with Departmental Directive 4914, Inmate Grooming Standards. His hair was comported in the following fashion: closely shaven on the sides of his head above his ears bilaterally, the top of his head he has a Mohawk style with his hair grown long and manipulated into multiple braids. These braids were tied together forming pockets. The pockets he created caused a safety and security concern because they were readily capable of concealing contraband.

I gave inmate Fox a Direct order to come into compliance with Directive 4914 within seven days. I advised him he is not allowed to wear two different hair styles, shaved on the sides and braids on top. Braids are allowed but must be worn in a corn row style woven close to the scalp. Dreadlocks are allowed but must extend naturally from the scalp and can not be woven, braided or twisted forming pockets. I told him if he failed to comply with my order he would in fact receive a Misbehavior report. I do not have the ability to tier or influence the tiering of any Misbehavior Report.

Inmates allegations of harassment and retaliation are false and unsubstantiated. He as well as all inmates are expected to comply with the all the rules regulations and directives of the Department.

Respectfully Submitted  
Sergeant D. Bey

A handwritten signature in black ink, appearing to read 'Sgt. D. Bey'.





26187-15

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

PO BOX 338  
30 INSTITUTION ROAD  
NAPANOCH, NEW YORK 12458  
(845) 647-7400

WILLIAM A. LEE  
SUPERINTENDENT

TO: Sgt. Ciorciari

From: A. VanAken, CO

RE: Inmate Fox 12B1626

Date: 1/26/15

Sir,

On 12/23/14, I was directed to pat frisk inmate Fox 12B1626 by Sgt. Bey upon his arrival downstairs in South Hall. I performed a routine pat frisk on this inmate. At no time did I conduct an aggressive pat frisk on this inmate. At no time did I stand around in an aggressive manner, or did I witness any other officer stand around in an aggressive fashion. The pat frisk was done in accordance with directive 4910. At no time did I act in an unprofessional manner.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A. VanAken".

A. Van Aken

26187-15

**EASTERN NEW YORK CORRECTIONAL FACILITY**

**NAPANOCH, NEW YORK 12458**

TO: Sgt. Ciorgiari  
FROM: CO. Cotton  
DATE: 1/17/15  
SUBJECT: Inmate Fox 12B1526

On 12/23/14 at approximately 12:15pm I, Co. Cotton, assisted Sgt. Bey when he counseled Inmate Fox 12B1526. I escorted Inmate Fox from his cell to the bottom floor to see Sgt. Bey. At no time did I or any other officer stand around in an intimidating manner during the counseling, nor did I give or witness a aggressive pat frisk on Inmate Fox. I always conduct myself in a professional manner while working.

Respectfully Submitted  
Co. Cotton  
B. ~~\_\_\_\_\_~~

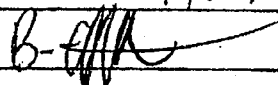
26187-15

EASTERN NEW YORK CORRECTIONAL FACILITY

NAPANOCH, NEW YORK 12458

TO: Sgt. Crorciari  
FROM: Co. Cotton  
DATE: 1/17/15  
SUBJECT: Inmate Fox 12B1526

I, Co. Cotton, assist with handing out the feed UPS for keep lock inmates in South Hall. If there are no feed UP hatches on a keep lock inmates cell I will open the cell so the inmate can retrieve his feed UP. I have never watched in amusement while Inmate Fox 12B1526 or any other inmate tried to get a feed UP tray through the top of a cell window. When Inmate Fox needed his Feed UP. I opened his cell so he could retrieve it.

Respectfully Submitted  
Co. Cotton  
B-

76187-15

→ 1-7-15 Tout II continued from page #156.

7:59 AM 11, 14, & 15 Companies to Chow, (5) In-Lists & Rounds made.

8:01 AM C.O. Vargas is escorting 9-21 Logan #03A0572 to the Cage for a Medical Trip.

8:03 AM C.O. Fuller picked up Commissary Sheets.

8:06 AM C.O. Otis is escorting 9-3 Swiderski #09B0460 out for an overnight Medical Trip.

8:08 AM 12 & 13 Companies to Chow, (4) In-Lists and Rounds made.

8:25 AM Fire and Safety Check is complete. Pull Stations, A.K. Rounds.

8:31 AM Go Back from South Hall Rcs. Rounds made.

8:40 AM Keeplock Feed-up arrived and distributed.

8:50 AM 9-3 Swiderski #09B0460 is now a Hold Live to Wendè C.F. The Total Block Count is 211.

8:52 AM C.O. Torres picked up the mail.

8:54 AM C.O. Checksfield is relieving C.O. Rzemieniecki for the Blood Drive. C.O. Rzemieniecki is back at 10:15 AM.

9:07 AM (2) maint. workers fixing the light in the 16 Co. Shop Sink. Out at 9:18 AM.

9:22 AM Visit called. 15-24 Jones #98A3363, Did not return.

9:27 AM (3) out for callouts.

9:28 AM (2) maint. workers in to fix the light switch in B-22 Out 9:52 AM.

9:30 AM C.O. Otens is doing a Bare Hammer check on 9 Co.

9:32 AM C.O. Checksfield is taking 13-19 Small out for Keeplock Exercise. The other (4) refused.

9:33 AM (6) in from Commissary. Rounds made.

9:37 AM Recycling picked up.

9:45 AM Garbage taken out. Back at 9:57 AM.

9:56 AM

Keeplock Showers started. Completed at

9:58 AM (3) porters and Commissary returns to the Yard.

10:03 AM (7) in from Commissary and the Kitchen. Rounds made.

10:30 AM

C.O. Rzemieniecki is back with (1) from Exercise.

10:33 AM (3) in from Commissary. Rounds made.

10:36 AM (4) Mess Hall workers to the Kitchen. Rounds made.

10:40 AM

76187-15

→ 1-7-15 Tour II continued from page #157.

11:34AM The Go Back is complete. Block Count started.

9 Co. In 24 Out 1, TL 25. 13 Co. In 27 Out 0, TL 27.

10 Co. In 18 Out 8, TL 26. 14 Co. In 26 Out 1, TL 27.

11 Co. In 27 Out 0, TL 27. 15 Co. In 13 Out 13, TL 26.

12 Co. In 27 Out 0, TL 27. 16 Co. In 24 Out 2, TL 26.

11:30AM Mr. Brakken is in for a Tier III Assistance for 16-4  
Fox #12B1526. Out at 11:46AM.

11:49AM Block Count Totals, In 186 Out 25 Total 211.

12:24PM Visit called. 14-9 Aquino #09A3785, Left at 12:34 PM.

12:25PM Count Cleared by Eastern #500.

12:35PM Chow run called. Rounds made.

12:40PM 9-21 Logan #03A0572 returned from a Med. Trip.

12:41PM 9, 10 &amp; 16 Companies to Chow, 56. In-Lists &amp; Rounds made.

12:50PM 11, 14, &amp; 15 Companies to Chow, 49. In-Lists &amp; Rounds made.

12:59PM 12 &amp; 13 Companies to Chow, 49. In-Lists &amp; Rounds made.

1:00PM C.O. Oters is doing the Bar &amp; Hammer Check on 16 Co.

1:14PM C.O. Rzemienicki is escorting 10-2 Carrasquillo to

Keeplock Medication. Back at

1:15PM Go Back from South Hall Rec. Rounds made.

1:21PM Keeplock Feed-Up arrived and distributed.

1:25PM Cell Changes. 10-24 Quinones #08A4342 to 15-2

10-24 Barden #10A41817 to 5-20

15-18 McNeil #03B1608 to 2-13.

10-27 Scott #95A7777 to ~~10-24~~ 15-18.

2-13 Biaz #03A1333 to 10-24.

21-4 Freeman #10A4322 to 10-27.

9-21 Logan #03A0572 is admitted to WB2B

in the Hospital. The Block Count is now 210.

1:51PM C.O.s Allison and Brown are out with 9 Contr

The List and Phone Rm. are secured.

1:58PM 6 ~~Transporters~~ to the yard.

2:04PM 13 Kitchen workers back. Rounds made.

2:33PM Notified by Sgt Bradey that 16-8 Taber #01B142

was injured in the yard. Sgt Bradey wants Taber

Cell Searched.

Tour II continued on page #159.



76187-15

→ 1-6-15 Tour II continued from page #157.

8:15 AM C.O. Allison is in with C.O. Otis and (B) window contractors. They have the Phone Rm keys (#158) with them. Lift being used on 16 Compagny.

8:22 AM Fire & Safety Check is complete. All Pull Stations are O.K. Rounds made in the Block.

8:25 AM Daily Cleaning Supplies delivered.

8:33 AM C.O. DeJesus is on the G.R.F. to try the Notary call out. (South Hall #3). Back at 9 AM.

8:34 AM Go Back from South Hall Rec. Rounds made.

8:42 AM Keeplock Feed-up arrived and distributed.

8:52 AM The Corridors are closed for a move from S.H.U. to the Cage Area. Opened at 9 AM.

8:57 AM C.O. Torres picked up the mail.

9:08 AM (6) out for callouts.

9:09 AM Recycling picked up.

9:11 AM (2) maint. plumbers working in 10-9 & 12-23. Out at 10 AM.

9:20 AM Keeplock Linen Exchange completed.

9:32 AM (2) reporter out for callouts and the Yard.

9:34 AM (5) in from Commissary.

9:50 AM C.O. DeJesus is taking 13-19 small to Keeplock Exercise. The other (3) released. Exercise back at 10 AM.

9:51 AM C.O. Torres is in with Pest Control. Out at 9 AM.

9:56 AM C.O. Otis started Bar & Hammer Checks. Rounds made.

10:05 AM (14) in from Commissary and the Mess Hall. Rounds made.

10:17 AM Team #1 called to F.R.P. C.O. Otis responding.

10:20 AM Team Response Cleared by Sgt. Parkhurst.

10:24 AM C.O. Otis back in the Block.

10:30 AM (5) Mess Hall workers to the Kitchen. Rounds made.

11:14 AM Go back from the Yard and Programs. Rounds made.

11:26 AM The Go Back is complete. Block Count started.

9 Co. In 26	Out 0	Tl 26	13 Co. In 26	Out 1	Tl 27
10 Co. In 19	Out 7	Tl 26	14 Co. In 25	Out 2	Tl 27
11 Co. In 27	Out 0	Tl 27	15 Co. In 54	Out 13	Tl 27
16 Co. In 27	Out 0	Tl 27	16 Co. In 25	Out 0	Tl 25

Tour II 0122 inured on page #153

26187-15

→ 1-6-15 Tour II continued from page #152  
 11:54 AM Block Count Totals In 189, Out 23, Total 212.

12:15 PM Count Cleared by Eastern #500.

12:27 PM Chow run called. Rounds made.

12:34 PM 9, 10, & 15 Companies to Chow (61). In-Lists and Rounds made.

12:41 PM 11, 14, & 15 Companies to Chow (56). In-Lists and Rounds made.

12:50 PM 12 & 13 Companies to Chow (47). In-Lists and Rounds made.

12:58 PM Mr. Mills from OGS is in to look at cell lighting on

9 Company. Out at 1:30 PM.

1:15 PM Go Back from South Hall Rec. Rounds made.

1:20 PM Kee Block Feed-up arrived and distributed.

1:21 PM C.O. De Jesus is escorting 10-2 Cartasquillo to Keeplot

Medication. Back at

1:22 PM (1) maint. plumber back for work in 10-9.

1:25 PM Cell Changes. 16-13 Perkins #00A3607 to 10-19,

15-25 Jackson #95A4891 to 1-2.

15-24 Snyder #00A5784 to 3-6.

10-15 Herrera #03A6195 to 15-25. (DKL).

1-2 Bertora #92A8614 to 16-10.

3-6 Wahedi #99A2365 to 16-13. The Total Block

Count is still 212.

1:33 PM (2) out for call outs.

2:04 PM (1) in from the Mess Hall. Rounds made.

2:05 PM (6) porters to the Yard.

2:20 PM C.O. Otens is working on Bar & Hammer Checks. Rounds made.

2:38 PM C.O.'s Allison and Otis are out with (3) window Contractors

2:39 PM Medical Emergency called at the Yard Gate.

C.O. Otens is responding. Team Response cleared, 2-

2:42 PM C.O. Otens is back in the Block.

2:44 PM Mr. Blacken is in for a Tier Assistance with 16-4

Fox #12B1526. Out at 2:50 PM.

2:58 PM Go Back from the Yard and Programs.

3:10 PM The Go Back is complete and the Corridors

are closed. Final rounds made.

3:30 PM End of Tour II.



26187-15

**STATE OF NEW YORK**  
**DEPARTMENT OF CORRECTIONAL SERVICES**  
**EASTERN CORRECTIONAL FACILITY**

TO : Sgt. Ciorciari  
 FROM : R. Williamson C.O.  
 SUBJECT: INMATE Fox - 12B1626 Complaint.  
 DATE : 1-17-15

SIRON 12-7-14 I confiscated 4 pair of state issue pants from inmate Fox - 12B1626. Fox had altered the pants by cutting slits in the waistband of all the pants near the snap. Fox also cut a slit on the inside of <sup>the</sup> zipper of one pair. I found the pants as part of a cell search authorized by Sgt. Conner. Fox received a misbehavior report, and was placed on keeplock status due to his altering the clothes. I went down to the shoe clothing room, and found two pair of state pants, that were the same size as the pants that had been confiscated. I issued the two pair of pants to Fox, and gave him direction to fill out a state shop request for his third pair.

Respectfully Submitted  
 R. Williamson  
 R. Williamson C.O.

26187-15

**EASTERN NEW YORK CORRECTIONAL FACILITY**  
NAPANOCH, NEW YORK 12458

MEMORANDUM

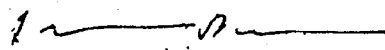
TO: Whom it may concern

FROM: Larry Bracken Vocational Instructor

DATE: 1/23/15

SUBJECT: Inmate Fox Tier Assistant

I first met with Inmate Fox (12B1626) on 1/6/15 for a Tier Assistant. Inmate Fox requested Directive 4914, Form 1 to find out who his counselor was and if they could attend his hearing. I met again with inmate Fox (12B1626) on 1/7/15 to provide the information he requested. At the second meeting he then asked me to read a previous ticket he had gotten. I told him that it did not apply to what I was helping him with now. He also asked me for Correction Law 610 sections 1 + 3. I told him that was not available to me to provide for him. When I asked him to sign the assistant he began to write alot of stuff about being bad to him. I went to the Lt office to ask if he could do this and was told he could not. They gave me a new assistant form for him to sign and when this was presented to him he refused to sign.

  
Larry Bracken



76187-15

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
Eastern New York Correctional Facility

**TO: Lt. Sullivan**

**FROM: Sgt. W. Sherman**

**DATE: 1/27/15**

**SUBJECT: Fox 12B1626**

I did speak to inmate Fox in regards to getting a phone call while on keeplock status pending his disciplinary hearing. I informed Fox that there were no provisions in either departmental directive or facility policy and procedure for inmate to use the telephone while confined pending disciplinary and therefore did deny the phone call.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "W. Sherman", followed by a vertical line and the letters "Sst".

W. Sherman, Sgt.

26187-15

EASTERN NEW YORK CORRECTIONAL FACILITY

NAPANOCH, NEW YORK 12458

TO: Lieutenant Sullivan  
FROM: Correction Officer T. Sheridan  
DATE: 26 Jan, 2015  
SUBJECT: Grievance by Inmate Fox 12B1626  
Regarding: Not given (Loss of Recreation) Phone Call on 1/7/15

On 7 Jan, 2015, while doing rounds inmate Fox 12B1626, looking in 16-2 he wanted to make a phone call. At the time, inmate Fox was confined pending a misbehavior report. I told inmate Fox that I would talk to my area supervisor. At no time did I deny inmate Fox a phone call.

Respectfully Submitted,

T. Sheridan, CO

2618775

EASTERN NEW YORK CORRECTIONAL FACILITY

NAPANOCH, NEW YORK 12458

TO: Lieutenant Sullivan

FROM: C.O. R. Henry

DATE: 1-26-2015

SUBJECT: Grievance from inmate Fox # 1281626 dated 1-8-2015

At no time did I deny inmate Fox a phone call. Fox informed me of his situation and due to the fact that he was serving pre-hearing confinement for a subsequent misbehavior report I told him that I would refer to my area supervisor. Area Sergeant Sherman conferred with inmate Fox at my request.

Sincerely  
C.O. R. Henry  
R. Henry C.O.

2011 FOX 12B1026 SH-12-18

(23)  
Tm. Resolve  
Issues re:  
Housing Unit Staff

Eastern Correctional Facility

Grievance No.

26187-15

On December 23, 2014, Sgt Bey sent Officer Cotton to my Assigned cell in South Hall 12-18 to bring me downstairs to speak with me. At that time the Officer whom I don't know his name Aggressive Frisked me while Sgt and Officers stood around in an intimidated position. On this day after the frisk was complete, Sgt Bey told me that I have a week to cut my hair, or I'm gonna be getting a Tier 3 Ticket. I don't know how that's possible to get a tier 3 ticket for something that doesn't have anything to do with safety and security. Sgt Bey also made me aware that his superiors sent him, involving continuous harassment.

Janelly

Action Requested

To stop being harassed, and my constitutional rights to freedom of religion be respected. I also gave the superintendent notice of my constitutional right under my contract 610(1), so officer can't claim negligence, he will answer and argue, and be held liable in their personal capacity. I request that superintendent pass this notice to officials, and for no officers to take my razor, set me up with shanks/weapons, drugs, dirty urines of assaults, these are the tactics that officers use for further retaliation. I'm a Honor inmate.

JAVELL FOX 12B162 - South Hall 16-4  
January 7, 2015

GRIEVANCE NO

26187-15

EASTERN CORRECTIONAL FACILITY  
Negligence

7-3

SARFT

On January 7 a SGT did a  
Round on the 7-3 shift I made him aware  
that I couldn't receive my food there is no  
slot and I have to wait on a regular  
basis nearly a hour if not sometime being  
denied totally to receive my food and if  
just sits outside the cell where officers  
open my cell when they feel like it, he stated  
that on the 8th of January 2015 he will have  
me moved to another cell with a slot, it's  
only one cell with a slot. he said he's moving  
me to make it easier for the officers, so  
basically forget about me, this is a statement  
of clearly a lack of compassion. I talk with  
A cane and have a BAD BACK, the windows  
have been open in some form on this company  
where I look for a week and it's freezing  
cold as if I'm sleeping outside, my back is  
stiffening and I will now have to carry my proper-  
ty, bend over and pick things up, my eyes are tear-  
ing just thinking about it. I'm sick and tired  
of the abuse.

Javell T

Action Requested

that officers be trained and slots be built in  
all of the bars



Javell Fox 1281626 Southhall 16-7

January 8, 2018

GRIEVANCE NO. 26187-15

EASTERN CORRECTIONAL FACILITY

DENIED PROCEDURAL DUE PROCESS  
RIGHT AND RIGHT TO FAIR HEARING

On January 7, 2018 I was seen by an assistant for the second time. On that day I was made aware that the assistant was being informed of my prior misbehavior reports by Lt. Capt. or Dep. Sec. when I spoke with him because of this information he was biased, prejudice against and ineffective in assisting me, he refused to get paperwork pertaining to the misbehavior report or seek out witness.

Javell Fox

Action requested  
for correction of officials to be better trained in ethics, edicacy and ethnic interactions and the constitution in order to safe guard my rights and act in a more professional manner with it comes to due process matters.

Javell Fox 12B1626 South hall 16-  
January 8-2015

GRIEVANCE NO. 26187-15

EASTERN CORRECTIONAL FACILITY

CRUEL AND UNUSUAL PUNISHMENT  
DENIED DUE PROCESS RIGHT

3-11  
~~SHIFT~~

On January 7 2015 I was done with a 30 day penalty of keeplock that was also concurred with a penalty of 30 days loss of phone privileges on January 7, 2015. I had my phone privileges reinstated as well, even though I was keeplocked pending a ticket that received on 1/5/15 I didn't have a hearing for that ticket therefore my privileges were still afforded to me, however I was denied a phone call, Officer Henry, Sgt Sherman and Officer Sheridan did not know whether I was suppose to get a phone call, when I have my privileges and my privileges can only be taken by a fair hearing determination (due process) and I haven't had a hearing.

Javell Z  
Action requested

for officials to be trained in upholding my constitutional rights instead of just being trained to oppress me, I request a immediate make up phone call.

Javell Fox 12B1626 South Hall 12-18  
December 23 2014

Grievance No.

Eastern Correctional Facility

26187-15

I informed officers, several officers that I cant get my food through the bottom slot, the feed up tray wont fit, and I asked to be moved to a different cell, or if they could open the door and pass me the tray, they tell me they gonna look into it. in order to get my food. I had to climb a chair then put my foot on the gate like a monkey take the top off where dust, Hair or particles always got in my food once I slid it through the top. Some officers even watched in Amusement like officer Terry and Officer Cotton.

On December 23. I climbed to get my tray (As I had to do for the past 16 days plus 3 days prior) and as I pulled the tray through I slipped hit my head and pulled my back out place, I had to be carried down stairs on a medical chair, given a shot in my butt just to walk on I reached the Hospital, now I'm Admitted in the Hospital and have been given a pain just to walk, I'm in excruciating pain. officers were called to bring me underclothes, towel washcloth and my shower shoes from my Housing unit instead they brought my dirty clothes bag with socks in it that's dirty, some sweatpants, 3 long sleeve dirty shirts and a coat, so I took a shower no shoes because I had to because I pie on my self a little when I fell, so now I got athletes feet, a pulled back, headaches all because officers are lazy, incompassionate, not properly trained, have superiority complexes and cell was not fit for keep lock.

Javell Fox  
Action Requested

that officers open my cell if I return to SH 12-18 and that in the alternative, I be moved somewhere I could get my keep rock  
I am not sure what time I will be in the hospital

JAVELL FOX 12B1626 1/2/15  
Southhall 16-4

Grievance No. 2618715

EASTERN CORRECTIONAL FACILITY  
CRUEL AND UNUSUAL PUNISHMENT

on January 1 2015 on the 7-3 shift  
at lunch time, I asked both officer to  
hand me my lunch tray, they have to  
open my gate, that's the only way for  
me to get my tray. they both refused  
to hand me my tray, the officer with  
the skin haircut when I asked him asked  
me was I out of my mind, I asked him why  
because I want to eat, he just walked  
away, my tray was sitting outside the  
gate from 11:30<sup>am</sup> until 3:00<sup>pm</sup> at that time  
I declined the tray, everyday my feed up tray  
sits outside the gate for a hour before I get  
it, and I've been having to eat my food cold.  
Also officer Williamson took all my green pants  
and brought me a pair 2 sizes too big and i've  
been wearing these pants for almost a month  
with no other pants,

Javell Z  
Action Requested

For officers to open my gate AS soon AS my feed  
up tray comes so I don't have to eat cold food,  
AND to be given 3 pair of state green pants  
just like my pants was taken;

1:40:57 Tuesday, March 17, 2015

03/17/15

LOCATOR SYSTEM

KLOCM6B

INTERNAL MOVEMENT HISTORY DISPLAY

10 EASTERN

DIN 12-B-1626 NYSID 09387063-Y FACILITY EASTERN GEN LOCATION WW-22-004  
 NAME FOX, JAVELL DOB 10/26/82 SEX M E/R NB

FACILITY	EFFECTIVE DATE	DATE ENTERED	FROM	TO
EASTERN GEN	12/23/14	12/23/14	SH-12-018	HS-02-I01
	12/26/14	12/26/14	HS-02-I01	SH-12-018
	12/26/14	12/26/14	SH-12-018	SH-16-004
	01/08/15	01/08/15	SH-16-004	SH-16-002
	01/26/15	01/26/15	SH-16-002	WW-21-29S
	02/04/15	02/04/15	WW-21-29S	WW-22-004

\*\* AT END OF REQUESTED HISTORY SCAN \*\*

<ENTER> CONTINUE    <PF3> EXIT(FUNCTION)    <PF4> RETURN    <CLEAR> EXIT(SYSTEM)  
 <PF7> SCROLL BACKWARD    <PF8> SCROLL FORWARD

## EASTERN CORRECTIONAL FACILITY

IGRC OFFICE ACKNOWLEDGEMENT RECEIPTTO: FOX DIN: 12B1626 CELL: SH-12-18This notice is to inform you that your grievance(s) dated 12/23  
was/were filed on \_\_\_\_\_.Log # ECF- 26107-15CODE: 23TITLE: Resolve Issues Re: Housing UNIT STAFF

*Your log number, DIN, and cell location must be included on any inquiries made concerning your grievance.*

Upon completion of an investigation and if not resolved you will be scheduled for an IGRC hearing within 16 calendar days of the filing date. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC can hold a hearing in absentia. If 3 scheduled hearings are missed due to legitimate reasons the IGRC can hold the hearing in absentia. When a grievant is keep locked over thirty (30) days a hearing can be held in absentia.


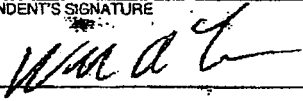
If your grievance is numbered as part of a consolidate issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Grievances coded 25.1, 25.2 or 49 are passed directly through to the Superintendent for action. An investigation will be conducted and the Superintendent should respond within 25 days of the filing date. No IGRC hearing will be held.

If a response is considered untimely then the IGRC Office may contact you to ask for an extension or you can request in writing that it be appealed to the next level.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IGRC Clerk cl b IGP Supervisor \_\_\_\_\_ IGRC Sergeant \_\_\_\_\_

GRIEVANT FOX, JAVELL	DIN # 12B1626	HOUSING UNIT WW-22-004
 <p><b>INMATE GRIEVANCE PROGRAM</b></p> <p>SUPERINTENDENT WILLIAM A. LEE</p>	GRIEVANCE NO. 26197-15	DATE FILED 1/26/15
	FACILITY Eastern Correctional Facility	POLICY DESIGNATION I
	TITLE OF GRIEVANCE Alleges Procedural Issues	CLASS CODE 28
	SUPERINTENDENT'S SIGNATURE 	DATE 3/19/15

Grievant's complains of issues pertaining to a MBR he received on 1/4/15 and the resulting TIER III hearing proceedings on 1/16/15.

Grievant is reminded he need not file a grievance regarding disciplinary decisions to exhaust his "administrative remedies." He can utilize the disciplinary appeal mechanism which extends beyond the facility. Disciplinary decisions are beyond the purview of the IGRC. Records indicate the MBR in question was affirmed on appeal. To avoid MBRs the grievant is advised to comply with departmental and institutional policy.

\*\*\*Grievance is denied.

WL: AR/ tm

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign and date below and return this copy your Inmate Grievance Clerk to the IGRC Office. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C..

---



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GRIEVANT'S SIGNATURE

DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g).



11:22 Tuesday, March 17, 2015

26197-B

03/17/15 C100T1M  
12:10:56 C100N099DISCIPLINARY SYSTEM  
100 EASTERN GENERAL  
DISCIPLINARY INCIDENT SUMMARYKDCPM40  
PAGE 1  
MANUAL RECS NDIN: 12B1626 NYSID: 09387063Y NAME: FOX, JAVELL  
CURRENT FACILITY: 100 EASTERN GEN CURRENT HOUSING LOCATION: WW-22-004-----  
TIER 2 INCIDENT: 03/13/15 10:50 AM SGT VANACORE, T A EASTERN GEN  
118.30 UNTIDY 106.10 DIRECT ORDER  
-----TIER 2 INCIDENT: 03/06/15 09:00 AM CO CRUZ, S R EASTERN GEN  
118.30 UNTIDY 106.10 DIRECT ORDER  
-----TIER 3 INCIDENT: 01/04/15 12:45 PM SGT BEY, D S EASTERN GEN  
REPORTED: 01/05/15  
HEARING : 01/16/15 10:54 AM DSA WENDLAND, R EASTERN GEN  
APPEAL : 03/04/15 AFFIRMED ADIR VENETTOZZI CENTRAL OFF

106.10 DIRECT ORDER

60D KEEPCLOCK

PACKAGE

COMMISSARY

SERVICE DTES 01/05/15 03/06/15

60D PHONE

SERVICE DTES 01/05/15 03/06/15

NEXT DIN:

&lt;CURSOR + ENTER&gt; INC DETAIL

&lt;ENTER&gt; &lt;PF3&gt; EXIT(FUNCT)

&lt;PF7&gt; BACKWARD

&lt;CLEAR&gt; EXIT(SYSTEM)

ECF# 26197-15 NAME FOX DIN# 1281626 LOC WW-21-24

Form 2131 (REVERSE) HEARING DATE 1/30/15

Response of IGRC: Please be advised that  
grievant's actions requested concerning  
all 4 are outside the purview of  
this committee.

Date Returned to Inmate: 2/2/15

IGRC MEMBERS

Chairperson

[Signature]

via

facility

mail

[Signature]  
[Signature]  
[Signature]

*Return within 7 calendar days and check appropriate.*

☐

I disagree with IGRC's response and wish to appeal to the Superintendent

☐

I agree with the IGRC's response and wish to refer to Superintendent

☐

I have reviewed deadlocked responses. Pass-Thru to Superintendent.

☐

I wish to apply to the IGP Supervisor for review of dismissal

Signed

Grievant

Date

Grievance Clerk's Receipt

Date

*To be completed by Grievance Clerk*

Grievance Appeal to the Superintendent

Date

Grievance forward to the Superintendent for action

Date

**\*\* An exception to the time limit may be requested under Directive #4040, Section 701.6(g)**

ECF# 26197-15 NAME FOX DIN# 1281626 LOC WW-21-29Form 2131 (REVERSE) HEARING DATE 1/30/15

Response of IGRC: Please be advised that  
grievant's actions requested concerning  
all 4 are outside the purview of  
this committee.

Date Returned to Inmate: 2/2/15 IGRC MEMBERS SF Labeled  
26/1/15  
KC

Chairperson [Signature]

Please forward 4 Grievances to C.O.R.C for decision  
superintendent is alleged in grievance as a wrongdoer.  
Return within 7 calendar days and check appropriate.

☐

I disagree with IGRC's response and wish to appeal to the Superintendent - conflict of interest  
I wish to appeal to C.O.R.C the superintendent is  
alleged in one of the grievances that would be a conflict  
of interest for him to decide it.

☐

I agree with the IGRC's response and wish to refer to Superintendent

☐

I have reviewed deadlocked responses. Pass-Thru to Superintendent.

☐

I wish to apply to the IGP Supervisor for review of dismissal

Signed [Signature]  
 Grievant

2-3-15  
 Date

Grievance Clerk's Receipt

Date

To be completed by Grievance Clerk

Grievance Appeal to the Superintendent                       
 Date

Grievance forward to the Superintendent for action                       
 Date

\*\* An exception to the time limit may be requested under Directive #4040, Section 701.6(g)

STATE OF NEW YORK-DEPARTMENT OF CORRECTIONAL SERVICES  
INMATE GRIEVANCE COMPLAINT  
FORM 2131 (REV 9/14)

Grievance No.

26197-15

EASTERN N.Y. CORRECTIONAL FACILITY

Date \_\_\_\_\_

Name FOX Din# 12B16Z9 Housing Unit 16-14  
Program \_\_\_\_\_ AM \_\_\_\_\_ PM \_\_\_\_\_

*(Please Print or Type - This form must be filed within 21 days of Grievance Incident)*

Description of Problem: *(Please make as brief as possible)* \_\_\_\_\_

(SEE ATTACHED)

Grievant's Signature \_\_\_\_\_

Grievance Clerk \_\_\_\_\_

Date: \_\_\_\_\_

Advisor Requested YES NO Who: \_\_\_\_\_

Action Requested by inmate: \_\_\_\_\_

This Grievance has been informally resolved as follows: \_\_\_\_\_

This Informal Resolution is accepted:  
*(To be completed only if resolved prior to hearing)*

Grievant's Signature \_\_\_\_\_

Date: \_\_\_\_\_

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

\* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

26147-15

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES  
Eastern New York Correctional Facility  
Napanoch, N.Y. 12458

MEMORANDUM

TO: FOX # 12B1626 16-4  
FROM: Inmate Grievance Office  
DATE: 1/22/15  
SUBJECT: Grievance Return

Your grievance is being returned to you for the following reason(s):

- ☐ Needs Action Requested filled out
- ☐ Needs a Signature
- ☐ Grievance is unclear. Need specific details of your problem.
- ☐ Grievance is illegible. Please rewrite, or see clerk for assistance.
- ☐ Over the 21 day time limit
- ☐ All grievances MUST be written in ink because the copier will not show penciled writing.
- ☐ Grievance improperly filed with
- ☐ Claim related issue, not a grievance. Enclosed is a claim form.
- ☒ Non-grievable issue. Issue has its own appeal mechanism.

1/23/15 -  
spoke to  
grievant who  
stated he wished  
to proceed with  
filing the complaint

T-Mor

PLEASE MAKE THE APPLICABLE CHANGES AND RETURN THIS FORM TO  
THE I.G.R.C. OFFICE, OR GIVE THIS FORM TO THE I.G.R.C. CLERK.

Janelle Fox RB1626  
11/18/15

South Hall 16-4

(28)

26197-15

Alleges  
Procedural Issues

Grievance No.  
EASTERN CORRECTIONAL FACILITY  
CONSPIRACY, OFFICIAL MISCONDUCT

LT SULLIVAN made a infraction that  
has nothing to do with safety, security  
or the order of the facility & tier III. this  
is insane. someone practicing and expressing  
there religion through ~~is~~ a hairstyle can not  
even be a infraction let alone the worst  
one. LT SULLIVAN conspired with Sgt. Capt,  
Webster, Dep of Sec and Supt to give me the  
highest infraction to get me removed, but my  
arguments at the hearing prohibited it. this  
is criminal behavior and abuse of review.

Janelle Fox  
Actions requested

THAT LT SULLIVAN be removed from being a  
review officer and that the New York State  
Police be contacted, LT SULLIVAN Need to  
be arrested for conspiracy and official  
misconduct

QUELL FOX RB1626 Southhall 16-4  
1/18/15

GRIEVANCE NO. 26197-15

EASTERN CORRECTIONAL FACILITY

CRUEL AND UNUSUAL PUNISHMENT  
FREEDOM OF RELIGION IN PRISON  
CONSPIRACY, OFFICIAL MISCONDUCT

Sgt BEY CONSPIRED WITH CAPTAIN WEBER  
AND LT SULLIVAN TO give me a Tier III for  
expressing my religion by my HAIRSTYLE.  
Sgt Bey gave me a direct order to cut my  
HAIR WHICH VIOLATES my FIRST Amendment  
Right to Religion. *Amaker v Goord* 2012 WL 4718661.  
("ALUIPA") Then Sgt Bey writes me a MISBEHAVIOR  
report while I'm in my cell serving confinement  
from prior Harassment by officers. At the hearing  
Sgt Bey makes false statements about my  
hairstyle being in braids, the record reflects  
these false statements. Before the hearing began  
Sgt Bey conspired with Dep Wendland on how to  
find me guilty.

Quell Z  
ACTION REQUESTED

I REQUEST THAT THE NEW YORK STATE POLICE  
BE CONTACTED Sgt BEY NEED TO ARRESTED FOR  
CONSPIRACY, FALSE STATEMENTS AND HARASS-  
MENT. MAYBE THAT'll teaching him to stop his  
criminal BEHAVIOR



Southhoff 16-4

Javell Fox 12B162.

1/18/15.

Grievance No. 26197-15  
 EASTERN NY CORRECTIONAL FACILITY  
 CRUEL AND UNUSUAL PUNISHMENT  
 CONSPIRACY

On 1/16/15 I found out that Captain webbe sent Sgt Bey to interview me, threaten me and then write misbehavior report on for not being in compliance and tell me to cut my hair in violation of directives and constitutional 1st Amendment.

I wrote a grievance on Captain webbe and superintendent removed him from the investigation into harassment issues complained about by me. So by Captain webbe sending Sgt Bey to interview me threaten me with Tier III then give me Tier III while I was in my cell all because Captain webbe ordered him to be malicious and retaliation and unethical, unprofessional, and unreasonable. This is criminal behavior CAPTAIN ALSO CONSPIRED with Lt Sullivan to give a Tier III all because I'm expressing my religion.

Action Requested

I request that the New York State Police be contacted CAPTAIN WEBBE NEED TO BE ARRESTED UNDER PL 195.00 PWS CONSPIRACY.

JGvell Fox 12B162 Southhall ~~12B162~~ 16-11  
1/18/15

Grievance No.

26197-15

EASTERN N.Y. CORRECTIONAL FACILITY  
DUE PROCESS, CRUEL AND UNUSUAL PUNISHMENT  
OFFICIAL MISCONDUCT, FRAUD, CONSPIRACY

From 4-9-146 Dep Wendland failed to be impartial at my Hearing, she was racist, prejudice and bias. she failed to take my witness testimony into consideration on the fact of how my hair was styled, my witness was a black counselor, ~~last~~ who had the same kind of hairstyle like my locks. she asked my witness was she a beautician in attempt to discredit her, however her Sgt who is white testified to my hairstyle and she did not ask him ~~whether he was~~ if he was a stylist, but merely took his testimony which was perjured into consideration.

Dep Wendland investigated and inquire into matters that had nothing to do with the misbehavior report, she was not fair or impartial, she made a decision to find me guilty because of my grievances against Dep of Sec. Capt, and Superintendent.

she made perjurious statements on the record. She lied about not seeing me with a cone when she told me to plug in a recorder like in some slave, she found me guilty by not using the misbehavior report as evidence and failed to uphold my first Amendment's right. she also spoke to her witness off the record.

outside of my presence before the hearing started on 1-16-15. She also allowed a witness Sgt Bey who authored the misbehavior report give testimony after she was made aware that Captain Webbe sent him to interview me on the first interview illegally because the grievance was a harassment issue against a Lt a Sgt shouldn't have been there and the only person who HAD AUTHORITY to send an official was the Superintendent per Directive 4040, and I wrote a grievance against Capt Webbe so him sending Sgt was only out of ill intent. Sgt gave me a misbehavior report not being in compliance with grooming standards while I was in my cell, my living quarters. He also gave me order to cut my hair, I showed her in federal case law and correction law where that order is illegal. However she use her position as a hearing officer to violate my constitutional rights in retaliation for grievances written against her co workers, she is not fair and impartial and also failed to use evidence submitted from Lt Simmons stating my hair style is allowed why because

Janell Fry

Action Requested

He Black.

I request THAT the New York State Police be contacted she need to be arrested under P L RS. 00 Official Misconduct, the position Entrusted in her expects for her to uphold the constitution and be liberal fair and impartial, not to use her position to retaliate and violate inmates constitutional rights.

Jacquell Fox 12B1626 Southhall 16-4

January 23, 2015

Consolidate

2619775

GRIEVANCE NO.

## EASTERN CORRECTIONAL FACILITY

IGRC SUPERVISOR is denying me my due process right to procedurally exhaust my Administrative remedies. I wrote a Grievance on the Dep of Admin, Captain webbe, Lt Sullivan, Sgt Bey, Superintendent and Dep Russo pursuant to the procedures they to Discipline me which violated my Constitutional right and were against policy and procedure of corrections. Lt Sullivan is making misbehavior reports a tier III that's not a risk to the safety security or the order of the facility, this violates the Directive on Behavior and Time Allowance. He also conspired with the Sgt, Dep and Superintendent to make that decision which was imposed on me. Captain webbe sent Sgt Bey to interview me after Superintendent removed him from the investigation and Assigned Dep Russo this is A violation of section 701-8 (C) HARASSMENT. Sgt Bey gave me A MISBEHAVIOR REPORT while I WAS in my cell for Grooming standard. This is case 0148 and Unusual Punishment.

26197-15

and violates and abuses the Directive on Grooming Standards and Cell Attire, so this is a Grievable Issue and High Administration needs to be alerted of this Abuse, However IGP Supervisor is blocking me Dep of Administration was not fair and Impartial, she displayed Racism, bias and prejudice, again this violates the Directive on Hearing Officer, which is a procedure however IGP is supervisor is attempting to Guard these officials because of their rank, however he is becoming a party, by violating my Constitutional right, by stopping me from Exhausting my Administrative Remedies and in turn Denying me Access to the Court, IGP Supervisor still haven't sent me notice of my appeal to C.O.R.C. with all Document Attached (along with the Grievance against the Superintendent) Pursuant to Directive 4040 Page 8 Section (d) Subdivision (3)

James E.

James Z.  
Action Requested

THAT I.G.P SUPERVISOR STOP VIOLATING MY RIGHTS AND STOP TRYING TO COVER UP FOR HIGH RANKING OFFICIALS AND IF NOT I REQUEST THAT THE NEWYORK STATE POLICE BE CONTACTED.

(RFH)

## INMATE GRIEVANCE INVESTIGATIVE LOG FORM

GRIEVANCE NO. 26197-15	DATE FILED: 1/26/15
FACILITY: ECF	DUE DATE:
GRIEVANT'S NAME: FOX	DIN: 12B1626
SIGNATURE OF REPORT WRITER: J. M. [Signature]	DATE: 1/23/15

## NAME OF PERSON (S)/TITLE AND/OR DEPARTMENT INVOLVED

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

## INVESTIGATION REPORTS STATEMENT

(PLEASE SPECIFY NAME OF PERSON(S) WHOM YOU HAVE RECEIVED THE VARIOUS FACTS FROM)

I spoke to the grievant on the above date and advised him to utilize the disciplinary appeal mechanism to address his concerns. After a healthy debate the complaint was filed after the grievant expressed that his complaint was based on procedure not the sanctions imposed. Received a follow-up complaint from the grievant dated 1/23/15. Again, grievant can address issues by utilizing disciplinary appeal mechanism.

At no point have I covered for staff or discriminated against the grievant. I merely notified the grievant that he could best address his complaint by utilizing the disciplinary appeal mechanism. Grievant will be provided

with acknowledgment (receipt) that his appeal was received by CORC when it is received by the facility (JGL Supervisor).



## EASTERN CORRECTIONAL FACILITY

IGRC OFFICE ACKNOWLEDGEMENT RECEIPTTO: FOX DIN: 12B16206 CELL: 16-4This notice is to inform you that your grievance(s) dated 1/23  
was/were filed on 1/26Log # ECF- 26197-15CODE: 28TITLE: All 655 Procedural Issues

*Your log number, DIN, and cell location must be included on any inquiries made concerning your grievance.*

Upon completion of an investigation and if not resolved you will be scheduled for an IGRC hearing within 16 calendar days of the filing date. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC can hold a hearing in absentia. If 3 scheduled hearings are missed due to legitimate reasons the IGRC can hold the hearing in absentia. When a grievant is keep locked over thirty (30) days a hearing can be held in absentia.

If your grievance is numbered as part of a consolidate issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Grievances coded 25.1, 25.2 or 49 are passed directly through to the Superintendent for action. An investigation will be conducted and the Superintendent should respond within 25 days of the filing date. No IGRC hearing will be held.

If a response is considered untimely then the IGRC Office may contact you to ask for an extension or you can request in writing that it be appealed to the next level.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IGRC Clerk [Signature] IGP Supervisor \_\_\_\_\_ IGRC Sergeant \_\_\_\_\_



**Eastern NY Correctional Facility**  
**CASE HISTORY AND RECORD**

**GRIEVANCE:** ECF #26217-15

**NAME:** Fox, Javell

**DIN:** 12B1626

**TITLE:** Alleges Retaliation/Sexual Harassment

**INSTITUTIONAL/DEPARTMENTAL CODE:** I-49

**DATE FILED:** 2/23/15

**IGRC HEARING DATE:** None

**SUPERINTENDENT DATE:** 4/21/15

**APPEAL DATE:** 4/22/15

**INVESTIGATION**

**IGRC INVESTIGATION DATE:** \_\_\_\_\_

**FACILITY POLICY #** \_\_\_\_\_

**SUPERVISOR DATE:** \_\_\_\_\_

**EMPLOYEE DATE:** \_\_\_\_\_

**PRIOR CORC:** \_\_\_\_\_

**OTHER:** \_\_\_\_\_

  
\_\_\_\_\_  
Mr. Mauro, IGP Supervisor

**EASTERN NEW YORK CORRECTIONAL FACILITY**  
**CASE HISTORY**

**NAME:** Fox, Javell, Din# 12B1626 (2)  
**ECF:** #26217-15  
**TITLE:** Alleges Retaliation/Sexual Harassment

**CODE:** I-49  
**REFERENCE:**  
**SUPT.:** W. Lee

**GRIEVANCE:** [February 12 & 24, 2015] Grievant files multiple complaints regarding his interaction with staff and suggests that he is being targeted because he has filed grievances in the past. In one complaint which allegedly took place on 12/10/15 he claims that C.O. Rodriguez "told [him he's] looking sexy" and felt it was sexual harassment. In another complaint which does not indicate when the incident allegedly occurred, he claims that Sgt. Cerciari intimidated and threatened him when he was suppose to be investigating his complaint. On another complaint which allegedly happened on 1/26/15 and 1/27/15 he claims that C.O. Cruz used profane language towards him. On 1/27/15 the C.O. Cruz sexually assaulted him during a pat frisk and read his legal mail. Grievant also accuses C.O. Kozak of falsifying a misbehavior report on 1/30/15 in retaliation for the grievance he filed against C.O. Cruz. Grievant claims he is afraid for his life, and that C.O. Cruz was drunk on alcohol when the incident occurred.

**ACTION REQUESTED:**

- 1) Grievant wants employees arrested for violating the law;
- 2) he wants to be moved from West Wing where C.O. Cruz is stationed;
- 3) he wants protective custody because he fears for his life;
- 4) he wants to see a mental health professional;
- 5) he wants the Sgt. to be demoted.

**INVESTIGATION:** The investigation included an interview with the grievant and identified staff: staff denies all claims made against them.

**RESPONSE OF IGRC:** None.

**SUPERINTENDENTS RESPONSE:** [April 21, 2015] Grievance is Denied. The superintendent rejects all of the grievant's claims and accepts the denials of his staff.

**APPEAL TO CORC:** [April 22, 2015] Grievant asserts his claims and adds that the superintendent is "covering up for officer."

**APPEAL CLERK**

## EASTERN CORRECTIONAL FACILITY

IGRC OFFICE ACKNOWLEDGEMENT RECEIPTTO: FOX DIN: 12B1626 CELL: 22-4This notice is to inform you that your grievance(s) dated 2/12  
was/were filed on \_\_\_\_\_.Log # ECF- 26217-15

FEB 23 REC'D

CODE: 49TITLE: Alleges Retaliation, sexual Harassment

*Your log number, DIN, and cell location must be included on any inquiries made concerning your grievance.*

Upon completion of an investigation and if not resolved you will be scheduled for an IGRC hearing within 16 calendar days of the filing date. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC can hold a hearing in absentia. If 3 scheduled hearings are missed due to legitimate reasons the IGRC can hold the hearing in absentia. When a grievant is keep locked over thirty (30) days a hearing can be held in absentia.

If your grievance is numbered as part of a consolidate issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Grievances coded 25.1, 25.2 or 49 are passed directly through to the Superintendent for action. An investigation will be conducted and the Superintendent should respond within 25 days of the filing date. No IGRC hearing will be held.

If a response is considered untimely then the IGRC Office may contact you to ask for an extension or you can request in writing that it be appealed to the next level.

IGRC Clerk CH IGP Supervisor \_\_\_\_\_ IGRC Sergeant \_\_\_\_\_

**EASTERN NEW YORK CORRECTIONAL FACILITY  
NAPANOCH, NEW YORK 12458  
INTERDEPARTMENTAL COMMUNICATION**

**DATE: 2/23/15**

**TO: W. LEE, Superintendent**  
**FROM: T. MAURO, Inmate Grievance Supervisor**  
**SUBJ.: PERSONAL CONDUCT – ECF# 26217-15**

Per Directive #4040, please review the attached grievance that is being forwarded to your office for Code determination.

\_\_\_\_: Not considered Code 49, process as a regular grievance

X: Process as Code 49, Staff Conduct

*a copy to DSS -*

Superintendent *W. Lee*

Dated *2/23/15*

EASTERN NEW YORK CORRECTIONAL FACILITY  
NAPANOCH, NEW YORK 12458  
INTERDEPARTMENTAL COMMUNICATION

DATE: 2/23/15

TO: W. LEE, Superintendent  
FROM: T. MAURO, Inmate Grievance Supervisor  
SUBJ.: PERSONAL CONDUCT - ECF# 26217-15

Per Directive #4040, please review the attached grievance that is being forwarded to your office for Code determination.

\_\_\_\_: Not considered Code 49, process as a regular grievance

P: Process as Code 49, Staff Conduct

a copy to DSS -

Superintendent W. Lee

Dated 2/23/15

copy to  
DSS to  
PREA Log  
Frisk Complaint

EA004 (09/14)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
EASTERN NEW YORK CORRECTIONAL FACILITY  
NAPANOCH, NEW YORK 12458

TO:

LT. MADISON

FROM:

THOMAS A. MAURO, I.G.P. SUPERVISOR

DATE:

2/24/15

SUBJECT:

GRIEVANCE COMPLAINT ECF#:

26217-15

LT. to conduct  
investigation (Allegation  
against Sgt. Corciari -)  
Thanks,  
Tom

The attached grievance complaint concerns your department. Please investigate and report your findings on the attached IGRC Investigation Form. Directive 4040 mandates that a hearing is to be held within sixteen (16) calendar days from the file date.

Make sure your signature, title, and date of investigation are included in your response.

Your investigation is due back in IGRC by:

3/3/15

COB.

Attachment

FOX, RB1626

cc: File

26217-15

**Mauro, Thomas A (DOCCS)**

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**From:** Mauro, Thomas A (DOCCS)  
**Sent:** Wednesday, March 25, 2015 1:40 PM  
**To:** Russo, Anthony C (DOCCS)  
**Subject:** 26217-15, Fox, 12b1626

Sir,

Please be advised that I have not received a complete investigation for this grievance. It was sent to LT. Madison on 2/24/15. What I do have in my possession is a response memo fro SGT C. to you dated 2/3/15 in response to a complaint from the I/M. I am missing an investigation following the receipt of the "grievance complaint" and a memo from CO Cruz. This memo was provided to me in response to a complaint that was to be consolidated in the same. Again, the red folder with a complete investigation was not received by me. If you need a copy let me know! This complaint was also forwarded to you to be logged in PREA book.

Thanks, Tom

**Thomas A. Mauro**

Inmate Grievance Program Supervisor

**Department of Corrections and Community Supervision**

Eastern New York Correctional Facility

30 Institution Road

PO Box 338

Napanoch, NY 12458-0338

(845) 647-7400 ext 4700/4705 [Thomas.Mauro@doccs.ny.gov](mailto:Thomas.Mauro@doccs.ny.gov)

[www.doccs.ny.gov](http://www.doccs.ny.gov)





## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

To: Lt. E. Madison  
From: Sgt. A. Ciorciari  
Subject: Inmate Fox 12B1626 grievance 26217-15  
Date: 3/25/15

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Sir,

On the date in question, 2/12/15, I did in fact interview the above named inmate in regards to one of his complaints. I asked the inmate a series of questions that pertained to the nature of his allegations towards staff. At no time during that interview did I ever mention to this inmate what he alleges. I never stated if this was 1998 I would drag him out of his cell and whatever happens, happens. I do not allow Officers to do whatever they want, nor do I cover up for them. I have never tried to intimidate this inmate or any other inmate.

This inmate filed a complaint on 2/12/15 alleging the same accusations. That complaint was answered by me on 2/20/15. It is this writer's belief this inmate is attempting to manipulate staff and the grievance system by repeatedly filing the same grievance.

As a supervisor I have never conducted myself in any manner that could be considered unprofessional and or disrespectful towards any inmate or staff member. To state that I have acted inappropriate and or confrontational is a complete misrepresentation of myself, and the level of professionalism I display while on duty.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A. Ciorciari".

Sgt. A. Ciorciari



## Corrections and Community Supervision

**ANDREW M. CUOMO**  
Governor

**ANTHONY J. ANNUCCI**  
Acting Commissioner

To: Lt. C. Haugen  
From: Sgt. A. Ciorciari  
Subject: Fox-12B1626 complaint  
Date: 2/20/15

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Sir,

On 2/12/15, I did in fact interview this above named inmate in regards to one of his previous complaints. During that interview, I asked the inmate several questions in regards to his complaint. I never at any time stated that back in 1998 he would have been dragged out of his cell and whatever happened, happened. I conducted myself in professional manner throughout the interview with this inmate.

Respectfully Submitted,

Sgt. A. Ciorciari



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

To: Lt. E. Madison

From: P. Barg Sergeant

Subject: Fox 12B1626 conduct grievance#26217-15

Date: March 20, 2015

Sir:

I have conducted an investigation into inmate Fox's 12B1626 4 combined grievances and can not find any merit or substance to this inmate's allegations. I interviewed the inmate and he nothing to add or retract from any of the grievances. I asked the inmate if he had any witnesses to the alleged incidents and he claimed to. When asked to supply names so I could interview them he stated they don't want to talk to security. He additionally stated that he needs to be protected from staff.

I interviewed Officer M. Rodriguez and he stated that he has made no comments or advances towards inmate Fox. He additionally stated that he has not had the opportunity to work in West Wing on 12-10-15 since it has not occurred yet. If the inmate meant 12-10-14 and he is only reporting it on 2-12-15 the grievance is untimely.

I also interviewed Officer Cruz about the allegations and he denies all of them. He pat frisked the inmate prior to a tier Hearing which is good correction practice according to Directive 4910. He has also ordered the inmate to come into compliance with grooming standards due to his hair style. The inmate refused and he was written up by Officer Cruz which I feel why these allegations are being brought.

Finally the one thing that carries all the way through all 4 of the grievances is that the inmate does not like the fact that he houses in West Wing.

Respectfully Submitted

P. Barg Correction Sergeant

A handwritten signature in black ink, appearing to read "PBarg Sgt.", written over the typed name.

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES  
EASTERN CORRECTIONAL FACILITY

TO : SGT. BARG  
FROM : C/O M. RODRIGUEZ  
SUBJECT: INMATE FOX 1231626(224)  
DATE : 3/16/15

I OFFICER M. RODRIGUEZ WAS NOT WORKING  
IN WEST WING ON 12/10/15. AT NO TIME I  
MADE ANY COMMENTS OR ADVANCES TOWARD  
INMATE FOX 1231626.

RESPECTFULLY  
SUBMITTED,

M. Rodriguez



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

To: Sgt. Barg

From: C.O. S. Cruz

Subject: Inmate Fox 12B1626 Grievance #26217-15

Date: 03/16/15

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On 2/12/15 I, Officer S. Cruz, escorted Inmate Fox 12B1626 to West Wing court. To maintain safety all keep lock inmates are pat frisked before being escorted out of the block. I did not grope, rub or pat frisk Inmate Fox in a sexual manner. The pat frisk was conducted in compliance with Directive #4910. I did not kick Inmate Fox's feet, pull down his pants or try to provoke him in any manner. At no time did I make inappropriate comments to Inmate Fox. While on duty at Eastern Correctional Facility I conduct myself in a professional manner at all times.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "S. Cruz", written over a large, stylized circular flourish.

S. Cruz



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

To: Sgt. Barg

From: C.O. S. Cruz

Subject: Inmate Fox 12B1626 Grievance #26217-15

Date: 03/16/15

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On January 26, 2015 I C.O. S. Cruz was on duty as the #2 officer in West Wing. Inmate Fox did move to 21-29 cell from South Hall. I did help inmate Fox move his property due to the fact inmate Fox was walking with a cane. I picked inmate Fox's mattress up and never dragged it on the floor. When I unlocked inmate Fox's cell I didn't say or use any obscene vulgarity towards inmate Fox. All these allegations inmate Fox has stated are all false. I did escort inmate Fox to the guard room floor for a call out. Before entering his call out I conducted a pat frisk on him and his personal property (envelope with legal paper work in it) per Directive# 4910. At no time have I harassed, or deny him a keep lock shower. While on duty at Eastern Correctional Facility I conduct myself in a professional manner at all times.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "C.O. S. Cruz".

C.O. S. Cruz



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

**To:** Sgt. Barg

**From:** C.O. S. Cruz

**Subject:** Fox 12B1626 Grievance# 26217-15

**Date:** 03/21/15

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On January 26, 2015 Inmate Fox 12B1626 was South Hall to West Wing and was in Keeplock status. I never harassed or sexually harassed inmate Fox. One of my duties as the West Wing #2 officer is to assist the #1 officer and maintain movement on and off the block. I don't no why inmate Fox was moved to West Wing that is controlled by the movement Sergeant. While on duty at Eastern Correctional Facility I conduct my self in a professional manner at all times.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "C.O. S. Cruz".

C.O. S. Cruz





2620215

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

EASTERN NEW YORK CORRECTIONAL FACILITY

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

PO BOX 338  
30 INSTITUTION ROAD  
NAPANOCH, NEW YORK 12458  
(845) 647-7400

WILLIAM A. LEE  
SUPERINTENDENT

TO: A. Russo, DSS.  
From: A. Ciorciari, Sgt.  
RE: Fox-12B1626 complaint  
Date: 2/3/15

Sir,

In the above mentioned inmates complaint, inmate Fox-12B1626 alleges that Officer S. Cruz has been harassing him by using insolent language and by dragging his property on the dirty floor. He also alleges that Officer S. Cruz had him stretch his legs out too far and lean forward during a pat frisk in which this inmate stated Officer Cruz rubbed his hands roughly across his penis and testicles. This inmate had also made allegations of not being afforded opportunities to take keeplock showers.

I interviewed this inmate on 2/3/15 at approximately 10:30am at his cell 21-29. He stands by this complaint as factual, offering no evidence, witnesses, or any further information to support his allegations.

I spoke with Officer S. Cruz who stated to me that he never dragged this inmates property on any floor. He also stated to me that he never harassed this inmate by using abusive or insolent language while dealing with him. Officer Cruz did infact conduct a pat frisk on this inmate upon entering his cell out. Officer Cruz did state that he ordered the inmate to put his hands on the wall on step back so he could perform a pat frisk. He added that at no time did he have to inmate step back too far. He also stated at no time did he ever rub his hands roughly over inmate Fox's penis or testicles. The pat frisk was done in accordance with directive 4910, page 3, section B. Officer Cruz told me he at no time denied this inmate a chance to take a shower.

Prior to inmate Fox's transfer from South Hall to West Wing, Officer Rziemiencki offered this inmate a keeplock shower at approximately 10:30am. Inmate Fox refused the shower and it was logged in the block log book.

Based on my investigation, information retrieved from the log book, and staff memorandums, I find no evidence to substantiate the allegations fabricated by this inmate. Inmate Fox attempted to manipulate staff by refusing a shower in South Hall and file a complaint that he was denied a shower in West Wing. Officer Cruz conducted himself in a professional manner at all times while dealing with this inmate. Lastly, I find this complaint to be baseless and without any merit.

Respectfully submitted,

Sgt. A. Ciorciari



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

To: Supt. W. Lee  
From: Lt. E. Madison  
Subject: Grievance # 26217-15 submitted by inmate Fox, J 12B1626

Sir:

I have interviewed inmate Fox in regard to his complaints filed on various Officers and Sergeant Ciorciari. Inmate Fox stated to me that he had no witnesses for me to interview and had no further statements to provide. During my interview and questions in regard to said complaints inmate Fox was uncooperative and refused to answer any questions.

I have also interviewed Sergeant Ciorciari and the following Officers obtaining responses from each that inmate Fox has submitted complaints against; W. Kozack, S. Cruz, M. Rodriguez as well as a response from Sergeant P. Barg.

I find no merit in the submitted grievance by inmate Fox, he was unable to support any claim against staff. His failure to cooperate with the investigation into his submitted complaints further supports my findings. Furthermore inmate Fox's failure to comply with staff direction on a continuous basis further substantiates my reasons for finding no merit in this complaint. His attempt to utilize the grievance system for his failure to follow staff direction is evident based upon the amount misbehaviors reports he has received recently.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Lt. E. Madison".

Lt. E. Madison



**Corrections and  
Community Supervision**


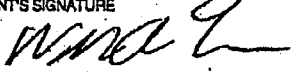
ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

To: Lieutenant Madison  
From: Correction Officer W. Kozack  
Subject: Inmate Fox Din# 12B1626  
Date: 3/13/15

On January 30<sup>th</sup>, 2015, I, CO Kozack wrote a misbehavior report on Inmate Fox Din# 12B1626 because he was exercising with his cane in the West Wing Keep Back Yard. According to the medical restriction report written by Dr. Andola, Inmate Fox was issued a cane because he had a bad back and was not allowed because medical restriction stated "no exercising Allowed." I, CO Kozack, am not aware of any prior grievances made toward other West Wing officers.

Respectfully submitted,  
Correction Officer W. Kozack  
Correction Officer W. Kozack

GRIEVANT FOX, JAVELL	DIN # 12B1626	HOUSING UNIT B3-29-001
 <b>Corrections and Community Supervision</b>  <b>INMATE GRIEVANCE PROGRAM</b>  SUPERINTENDENT WILLIAM A. LEE	GRIEVANCE NO. 26217-15	DATE FILED 2/23/15
	FACILITY Eastern Correctional Facility	POLICY DESIGNATION I
	TITLE OF GRIEVANCE Alleges Retaliation/Sexual Harassment	CLASS CODE 49
	SUPERINTENDENT'S SIGNATURE 	DATE 4/21/15

Grievant alleges retaliation and sexual harassment.

The investigation included an interview with the grievant and identified staff. During the interview grievant provided no evidence or witnesses to corroborate his grievance. Staff recollected pat frisking the grievant in accordance with DIR # 4910 but denied the allegations of unprofessional behavior. The grievant was again reminded to come into compliance regarding his hairstyle. Based on this information there is no evidence to substantiate this grievance.

\*\*\*Grievance is denied.

WL: AR/ tm

#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign and date below and return this copy your Inmate Grievance Clerk to the IGRC Office. You have seven (7) calendar days from receipt of this notice to file your appeal.\* Please state why you are appealing this decision to C.O.R.C..

Correction Staff Had no reason to frisk me first of all, because I get frisked before the hearing start in the hearing office. correction staff have many or numerous complaint of Harassment and probably sexual Harassment, sexual Harassment touch of my penis and testicles is not proper superintendent is covering up for officer.

GRIEVANT'S SIGNATURE

DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g).

JAVELL FOX 1281626 WEST WING 22-4  
2/12/15

(49)  
Alleged Retaliation,  
sexual Harassment  
& Unprofessional  
Behavior

GRIEVANCE NO 26217-15

EASTERN CORRECTIONAL FACILITY

Employee MANUEL § 3 (3.4 FALSIFICATION  
OF RECORDS

On January 30 2015 I was written a  
misbehavior report by officer KOZAK, officer  
KOZAK wrote the MISBEHAVIOR report in  
Retaliation of me using the grievance process  
against his peers on in particular <sup>officer</sup> CRUZ,

On February 12, 2015 I was found not  
guilty of the MISBEHAVIOR report. officer  
KOZAK is MALICIOUS, And a criminal.

Javell Zp

Action requested

Officer KOZAK Needs To Be  
ARRESTED, AND I need To Be moved  
from WEST WING,

JAVELL FOX RB1624 WEST WING 22-4  
DATE February 12, 2015

GRIEVANCE NO. 262715  
EASTERN CORRECTIONAL FACILITY

ON JANUARY 26, 2015 I WAS MOVED  
TO WEST WING. I DON'T KNOW WHY.  
SINCE I'VE BEEN ON WEST WING I'VE  
BEEN HARASSED AND SEXUALLY HARASSED.  
I WAS MOVED TO WEST WING (THE ONLY  
REASON I COULD THINK OF) AS PUNISHMENT,  
A OFFICER THAT CONTROL THE BLOCK IS  
A OFFICER THAT I'VE WRITTEN 2 PRIOR  
GRIEVANCES ON, WHO WOULD MOVE ME TO A  
BLOCK WITH A OFFICER THAT I'VE WRITTEN  
2 PRIOR GRIEVANCES ON AND IT HAD TO BE AN  
INVESTIGATION BECAUSE OF IT.

Javell Fox

Action Requested

TO BE MOVED FROM WEST WING

JAVELL FOX 12B1624 west wing 22-4  
February 12, 2015

Grievance No 26217-15

### EASTERN CORRECTIONAL FACILITY

On January 26, 2015 Officer CRUZ told me to get the fuck in my cell, he DRAGGED my Blanket on the Dirty floor. On January 27, 2015 I had a call out, he frisked me in a sexual way, but aggressive, he rubbed up my testicles and pulled my legs. He read my legal mail. This officer is insane.

Janell Ze

Action Requested

FOR OFFICER CRUZ to be ARRESTED  
AND FIRED AND FOR me to be MOVED FROM  
WEST WING.



JAVELL FOX 12B1626 West wing 22-4 2017-15  
2-12-15

Grievance No  
EASTERN CORRECTIONAL FACILITY

OFFICER CRUZ on the Above date conducted a pat frisk supposedly for safety and security before I entered the room for a hearing. OFFICER CRUZ Had me stand in a wet spot and told me to spread my legs he made me step back then he began to pull the back of my pants down. he stepped in between my legs and leaned against my Buttocks, then he patted up my legs rubbing my thigh and groping my Penis and testicles then he stated "he forgot my pussy hurt. OFFICER CRUZ smelled like Alcohol. he was Drunk. these are violations of employee manual section 2.12, 2.18 <sup>2.10</sup> conduct and activities of employees, this is sick behavior and i'm not gonna tolerate it no more. I don't feel safe. he also was kicking my feet.

Action requested  
I request that OFFICER CRUZ be Arrested, he's constantly staring in my assigned cell at times when there is no reason to, these are Homo-sexual activities and I've been violated, I request to be moved from west wing or this whole

JAVELL FOX 12B1626 west wing 22-4 2617-15  
February 12-2015

ON 12-10-15 OFFICER RODRIGUEZ  
TOLD ME I'M LOOKING FOXY, THIS IS  
A HOMOSEXUAL COMMENT, AND I'M FURIOUS  
AT HIS ADVANCES.

Jamell Fox

Action Requested.

TO BE REMOVED FROM WEST WING  
AND OFFICER RODRIGUEZ ARRESTED  
AND FIRED

Javell Fox 12B1626 west wing 22-4

21217-15

2-12-15

Grievance No

EASTERN CORRECTIONAL FACILITY

Sgt Cerclari fails to do investigation, he tells me if this was 1998 he would drag me out of the cell and whatever happens, happens. he allows officers to do whatever they want and he covers up for them. and he tries to intimidate me to stop me from using the grievance system.

Action Requested

Javell Fox

Sgt Cerclari should be demoted, I request to be moved from west wing where he supervises, and to never have him investigate none of my claims.

26217-15

JAVELL FOX 12B1626 WW 22-04

February 24, 2014

Consolidate

Grievance No,

EASTERN CORRECTIONAL FACILITY

EMPLOYEES MANUAL § 2

CONDUCT AND ACTIVITIES OF EMPLOYEES

2.2 Lawful comportment

Dated February 12, 2015 in a  
a complaint stating 2.18 sexual abuse  
I made superintendant aware that  
I was sexually violated by officer  
Cruz pulling the back of my pants  
down, rubbing against my buttocks, and  
rubbing my thighs and groping my  
penis and testicles. I requested to be  
moved from west wing where officer  
Cruz is the escort officer, However  
I've been left around the officer that  
violated my manhood and who comes to  
work drunk, not in an alert state  
of mind. Why I'm being left in west  
wing around this officer who violated  
me. I request to be moved immediately

26217-15  
Jameel Te

Action Requested

TO BE MOVED FROM WEST WING  
AWAY FROM OFFICER CRUZ OR PLACED  
IN PROTECTIVE CUSTODY UNDER OFFICER  
CRUZ.